

131 AT A MEETING OF THE NORTH WESTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY held at the Lake District National Park Office on Tuesday, 11th December 2012

PRESENT – MEMBERS

J. A. Clark	(Chairman)	MMO appointee (Marine Science)
R. Benson		MMO appointee (Fishing Industry – North West)
J. Butler		MMO appointee (Shellfish sector)
M. Byram		Cheshire West and Chester Council
B. Crawford		MMO appointee (Anglers and Recreation)
W. Darbyshire		Environment Agency (Officer)
D. T. Dobson		MMO appointee (Anglers and Recreation)
C. Frid		MMO appointee (Marine Science)
R. Graham		MMO appointee (Commercial)
D. Grunshaw		MMO appointee
T. Jones		MMO appointee (Commercial/aquaculture)
C. Lumb		Natural England (Officer)
A. J. Markley		Cumbria County Council
J. D. Murphy		MMO appointee (Marine)
N. Robinson		MMO (Officer)
A. Thornton		Lancashire County Council
P. Williams		MMO appointee Recreation)
C. J. Woods		MMO appointee (Fishing industry – North West)

OFFICERS

S. M. Atkins	C. Dobson
K. Atkins	M. Knott
I. V. Andrews	A. Leadbeater
H. Ake	A. Lindop
S. Brown	J. Moulton
M. Burdekin	E. Thinnesen

IN ATTENDANCE

R. Beresford	Wirral Council
S. Benson	Lancashire County Council
R. Littleton	MMO

APOLOGIES

T. Beaumont	Liverpool City Council
D. Clarke	MMO appointee (Fishing Industry – Cumbria)
P. Hardy	Sefton Council
A. Maltby	MMO appointee (Fisheries Management)
M. R. Owen	MMO appointee (Fishing Industry – North West)
C. Reed	MMO appointee (Marine Science/Conservation)
Y. Yadi	MMO appointee (Marine)
D. McAleavy	Sefton Council

132 CHAIRMAN'S ANNOUNCEMENTS

1. The Chairman welcomed new member Mr Dave Dobson (MMO appointee); visitors and members of the public.
2. Papers for Agenda Items 3 (Standing Orders), 4 (Minutes of NWIFCA meeting held on 28th September 2012) and 9 (Financial Report) were tabled.

3. The NWIFCA Annual Report 2011-12 was tabled.
4. The Chairman announced a change in Agenda to take Item 9 (Financial Report) after Item 3 and this was agreed.
5. The Chairman reported that she had been contacted by Dong Energy about the Burbo Bank extension offshore windfarm in Liverpool Bay. Dong Energy were undertaking an Environmental Impact Assessment for the project and were inviting consultation with key stakeholders with an interest in the area. The developers had discussed the proposals with MMO, CCW, Cefas, NE and EA and would be submitting the application in spring 2013. Dr Clark said that she could provide the email link to Dong Energy for any member wishing to respond to the consultation.

133 DECLARATIONS OF INTEREST

No declarations of interest were declared.

134 STANDING ORDERS (AGENDA ITEM 3)

The Chairman said that the Authority's Standing Orders needed to be updated to comply with the Localism Act 2011. Dr Clark reminded Members of the recommendations.

Mr Woods said although he understood why Standing Orders needed to be implemented, but as a fishermen's representative it was his responsibility to address Agenda items. In some cases he felt paperwork presented was incorrect so it may take longer to make relevant points than the 3 minutes allowed for in Standing Orders.

Mr Graham suggested it was not in anyone's best interests for conversation to be curtailed and that a tightening up of Standing Orders was not needed. The Authority would be better to discipline itself as at present rather than introducing something more restrictive.

The Chairman said she had felt the fact that some Members wished to speak for much longer than the 3 minutes allowed should be brought to the Authority's attention and asked that Members should understand the need to be concise, to come prepared to meetings knowing exactly what points they wished to make, and to make proposals accordingly. Dr Clark asked for a show of hands on the recommendations in the report.

Following a vote of 14 in favour, 1 against and 1 abstention the motion was carried.

RESOLVED

1. NWIFCA Standing Orders be updated to comply with the Localism Act 2011.
2. The Chairman be given authority to apply Standing Orders more rigorously in NWIFCA meetings.
3. Members agree to comply with Standing Orders.

135 TO RECEIVE MINUTES OF THE NWIFCA MEETING HELD ON 28TH SEPTEMBER 2012 (AGENDA ITEM 4)

The Chairman announced an amendment to include Mr D. McAleavy (Sefton Council) in the list of those "In Attendance". Following a proposal by Councillor Byram and seconded by Councillor Thornton the minutes were approved.

RESOLVED

The minutes of the NWIFCA meeting held on 28th September 2012 be approved and signed as a correct record.

136 MATTERS ARISING There were no matters arising.

137 The Chairman announced a change in the Agenda to take Item 9 next.

138 FINANCIAL REPORT (AGENDA ITEM 9)

The Chairman of the Finance Sub-Committee introduced the report and asked the Finance Officer to take members through this. Mrs Atkins pointed out the error in Annex B under the 'Income' heading which should say no levy increase and not 1% levy increase. Councillor members had agreed the budget and levy for 2013/14 at the sub-committee meeting earlier that morning. There were no unusual spending items to bring to members' attention up to 31st October and expenditure was well within budget. A minute approving both the Budget Review to 31st October and Budget and Levy 2013/14 was required from the full Authority for audit purposes. Members unanimously approved the recommendations in the report.

Councillor Markley raised the issue of a replacement for "Solway Protector". The matter had been discussed at the Finance Sub-Committee meeting where it had been agreed that a further letter should be sent to all councils, stressing the urgency of progressing the matter and informing them that the Authority would need to make a decision on how best to proceed with purchase of a new vessel at its meeting in March 2013. Once responses to the latest letter had been received the Finance Sub-Committee would meet to discuss those responses. Councillor Markley reminded Members that the existing patrol vessel was now 23 years old. The build time for a new vessel would be two years and he felt it was imperative for the Authority to progress the matter as a matter of urgency.

Mr Dobson said he was disappointed nothing had been built into the budget to get the project underway. He realised money was tight but as a precepting authority the IFCA had to meet its statutory obligations.

The officer attending on behalf of Wirral Council pointed out that Wirral was in a serious financial position. He would make sure the council responded but wanted to make the Authority aware there would be quite serious consequences in any increase or additional levy that Wirral would have to find.

Mr Woods asked if the income received from the new permit scheme would be used to fund the patrol vessel in any way. Councillor Markley said money had been included in the budget and levy but the money would be kept in abeyance for the time being in case of any problems experienced with the permit scheme.

RESOLVED

1. The Budget Review to 31st October 2012 be approved.

2. The Budget and Levy for 2013-14 be approved.

139 The Chairman then reverted to the Agenda as printed.

140 REPORT ON MEETING OF TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE HELD ON 28TH SEPTEMBER 2012 (Agenda Item 6)

The Chairman of the Technical, Science and Byelaw Sub-Committee (TSB) provided a verbal report on the meeting. Members were informed that the EU was proposing that sea bass should become part of a TAC. The TSB felt the Authority should argue against any TAC being applied in Europe which would have an adverse effect in the North West. Mr Graham informed Members that since the TSB meeting Europe had said they would not be proceeding with a TAC for sea bass. The proposed byelaw for the Heysham Bass Nursery Area was for discussion on today's Agenda. Dr Clark said that the BASS and Angling Trust were lobbying Government to raise the MLS of sea bass to 48cm. The AIFCA had

agreed to write to Ministers and Europe on that and the TSB felt it was something the IFCA needed to take a firm position on.

Ribble Estuary Cockle Stocks and Future Management was again on today's Agenda. The TSB had discussed the matter on 30th November and a verbal report on that meeting would be provided by Mr Lumb.

The proposal to develop a razor clam fishery in the North West TSB had had been discussed. There was a potential commercial fishery for razor clam in Liverpool Bay and off Walney. An alternative to the traditional method of fishing by hydraulic dredge was by electronic pulse. Europe did not currently have agreement to permit pulse fishing and a dispensation would be required for that method.

Walney Island Windfarm IPC consents. A number of sites at the moment were contributing to the West of Morecambe Fishery Fund and fishing organisations would be able to apply for funding for projects to help fishing communities in the North West. Dong Energy had merged with Centrica and the new company would deal with dispersal of money accumulated from contributions to that fund. It was hoped to arrange a meeting with the new company in the New Year to discuss projects ranging from Fleetwood to Maryport. The Walney extension development was in the early stages of planning.

An application had been made to the North and West Cumbria Fisheries Local Action Group (FLAG) to set up a lobster hatchery at Maryport aquarium and a request for letters of support had been received. The TSB felt because it was a commercial enterprise the Authority should not be involved in such a proposal.

A Communications Plan had been implemented and fishermen's and community meetings were planned.

Mr Woods raised a point from AOB on cockling at Lytham. Permit holders were concerned with the restrictions imposed of landing to the big merchants boats and they felt it was unacceptable that they were unable to take their own catch to a convenient landing point. Dr Atkins said the Authority was working with the MCA on the regulations that should apply to the use of vessels and it was suggested that all fishermen using boats to access the Foulnaze Bank should have coded vessels. If boats were required to be properly coded to coastguard standards it might be possible to relax the regulations to enable registered fishing boats and properly coded vessels to access the fishery.

RESOLVED

The report be received.

141 REPORT ON SPECIAL MEETING OF TSB SUB-COMMITTEE HELD ON 30 NOVEMBER 2012 (AGENDA ITEM 7)

Mr Lumb, Vice-Chairman of the TSB Sub-Committee reported on the special meeting of the sub-committee held on 30 November. The meeting had been called to review Byelaw 3 and to consider and develop options for improving the byelaw. Officers felt the byelaw had been effective in improving enforcement and had been successful in limiting the number of fishermen. Questions were raised as to whether the numbers currently permitted were sustainable in giving professional fishermen a reasonable opportunity to earn a living, also whether it favoured professional fishermen or professional shellfishermen. A number of amendments to the byelaw had been suggested. Officers felt it would be difficult to make changes in time for the 2013 season and any changes should be targeted to start in September 2014. Members were reminded of the application currently with Defra for a Regulating Order for Morecambe Bay which was intended to give more flexibility and more tools for managing shellfisheries within the bay. The IFCA had previously also agreed to pursue the idea of a district-wide Order.

Some discussion had taken place on mechanised fishing and there was recognition at the start of the meeting that the fishery focused on handgathering. A request had been put forward that permit fees should be amended particularly in years when fishing was poor but it was considered that having a flexible fee would be an administrative burden on the IFCA. There was some support for the idea that fishermen should, through choice or necessity, retain their right to a licence and should hold that right for a period of 2 years.

Discussion also took place on the separate management of mussels. The Authority currently had a Minimum Landing Size (MLS) of 45mm for mussels. It was recognised that mussels grew at different rates in different estuaries and different mussel beds and that the best time to harvest mussels varied. It was suggested it would be useful to have some flexibility on the MLS.

Other items discussed included the seasonal closure for cockles and the two areas currently designated as commercial areas.

Dr Clark suggested that Officers should write to Defra as an Authority asking them to expedite the MBRO. Ms Knott said she was experiencing difficulty in getting a response from Defra on the application and any help from the Authority would be welcomed.

The Chairman informed Members that the TSB had received communication from the Secretary of the Morecambe Bay Fisherman's Association and also from Mrs Butler. Dr Clark wished to make it clear that their concerns had been fully discussed by the TSB and had formed part of the decision-making process.

Mr Woods said fishermen had brought it to his attention that the wording of Byelaw 3 and the requirements to obtain a permit under that byelaw had been changed after the first round of entry. Fishermen were concerned that the evidence requested on the application form did not strictly adhere to the byelaw wording. Dr Atkins assured members that only previous Byelaw 5 permit holders and those eligible from the waiting list for the current year had received a permit. The requirement for evidence that the applicant was a registered fisherman and tax payer had raised implications for the Inland Revenue who had been unable to cope with the large number of applications for letters. Officers had agreed for the current year to accept a statement from a Chartered Accountant to show they acted for the person concerned. Members were assured that the regulations would be more rigorously enforced in future.

Mrs Butler requested that the proposal for fishermen to be able to retain the right to a licence for 2 years should be extended to five years as Morecambe Bay fishermen did not feel it would be of benefit for only two years.

The Chairman suggested that further discussion on the proposals was needed by the TSB. The proposals would then be submitted to the full NWIFCA at a future meeting.

RESOLVED The report be received.

142 TO MAKE THE NEW BYELAW 5: HEYSHAM BASS NURSERY AREA PROHIBITION OF FISHING (AGENDA ITEM 8)

The Chief Executive reported on the proposal to establish a new byelaw to prohibit fishing for sea fish in the Heysham Bass Nursery Area. The wording of the proposed byelaw and RIA had been approved by the MMO.

In response to a question as to how Officers would enforce the byelaw with regard to angling, members were informed that enforcement of the BNA was difficult because of its location. By prohibiting all fishing in the area the coastal strip could be better enforced.

Members voted on the proposals and it was unanimously agreed to 'make' the new Byelaw 5.

RESOLVED

1. The report be received.
2. The Authority 'make' Byelaw 5 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.
3. The byelaw now 'made' is

BYELAW 5 **HEYSHAM BASS NURSERY AREA PROHIBITION OF FISHING**

Interpretation

In this byelaw the Heysham Bass Nursery Area" means the area defined in respect of Heysham Power Station in the Schedule to the Bass (Specified Areas) (Prohibition of Fishing) Order 1990, SI 1990 No. 1156 as all tidal waters enclosed by a line drawn 085° true from No. 7 buoy (54° 01.22N, 002° 56.28W) to the shore, a line drawn 020° true from No. 7 buoy towards the Dolphin (54° 02.40N, 002° 55.52W), and a line drawn 102° true through the leading lights to Heysham. This joins the following co-ordinates in order:

A - 54° 02' 03N 02° 56' 16W
B - 54° 01' 92N 02° 55' 23W
C - 54° 01' 44N 02° 54' 66W
D - 54° 01' 22N 02° 56' 28W

Prohibition

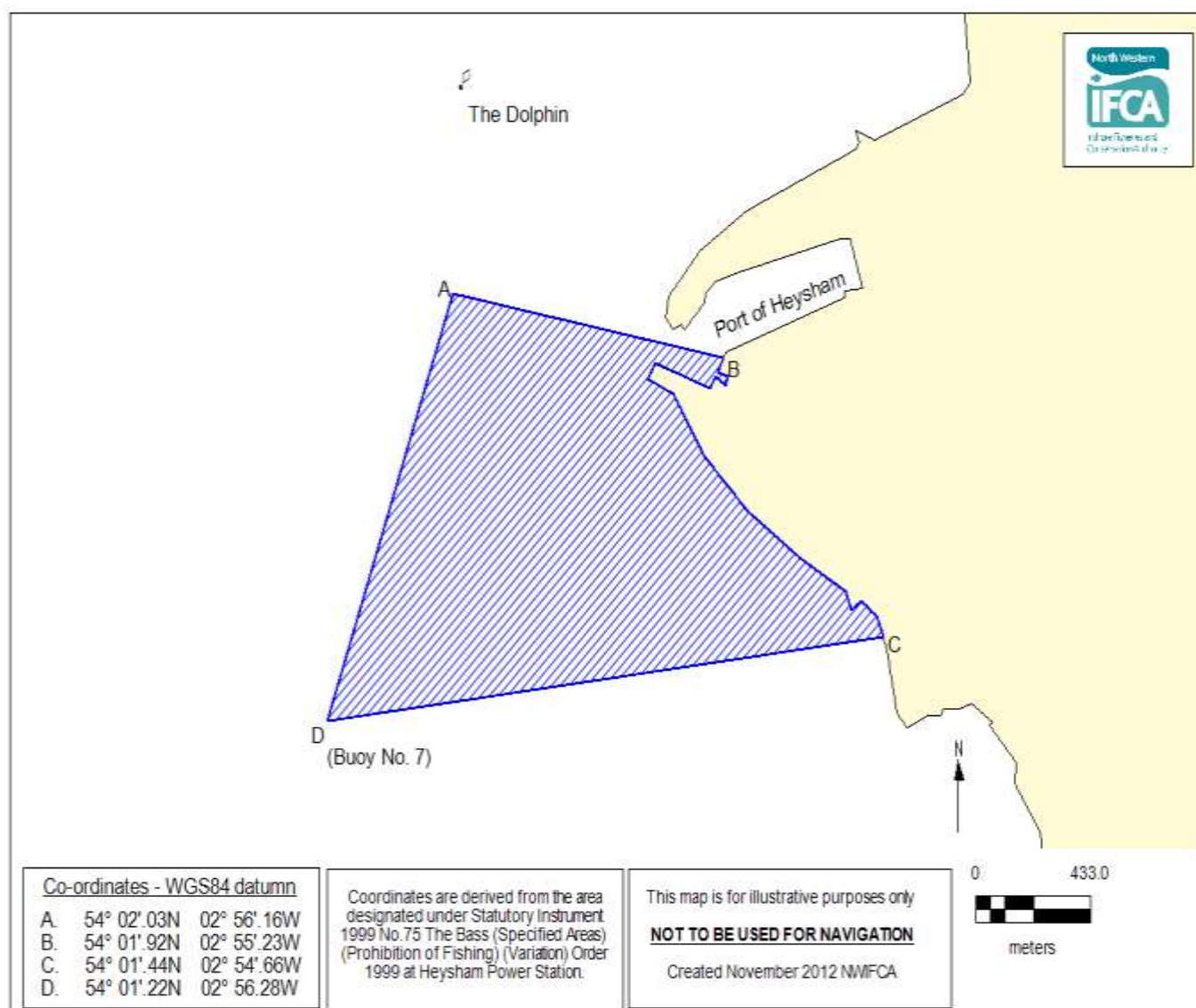
No person shall fish for any sea fish nor shall have in their possession any article that could be used for fishing for sea fish in the Heysham Bass Nursery Area or within 10 metres of the shore boundary of the Heysham Bass Nursery Area unless with the written permission of the Authority.

Explanatory Note

(This note does not form part of the Byelaw)

The purpose of this Byelaw is to prohibit fishing for sea fish in the area known as the Heysham Bass Nursery Area.

This byelaw prohibits all fishing, by any means, for sea fish, which includes all round and flat fish which live in the sea, in the area known as the Heysham Bass Nursery Area and defined in the byelaw.



Map showing the Bass Nursery area at Heysham in Morecambe Bay

The North Western Inshore Fisheries and Conservation Authority and the North Western Inshore Fisheries and Conservation District are defined in articles 2, 3 and 4 of the North Western Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No. 2200).

143 QUARTERLY REPORT (AGENDA ITEM 10)

The Chief Executive presented the Officers' reports for the period 1st August to 31st October 2012. Working on coding of RIBs had been carried out to bring them up to serviceable standards.

RESOLVED: The report be received.

144 CHIEF OFFICER'S REPORT (AGENDA ITEM 11)

Staff and Committee Member changes. The Chief Executive welcomed the former Enforcement Director, David Dobson, as a newly appointed member of the Authority. Dr Atkins introduced two new IFCOs, Joe Moulton and Matthew Burdekin. The new Enforcement Director, Andrew Deary, would take up post in January 2013.

IT Changes. Work was underway to transfer the NWIFCA computer system through the Lake District National Park in order to provide a much more secure and powerful IT system.

Defra MPA Policy. Defra had been obliged to look again at marine sites which could result in additional work for officers. Defra may require IFCAs to bring in up to 3 new byelaws for the Solway Firth, Morecambe Bay and Lune Deep to prohibit towed gear fisheries in sensitive areas of the EMS. There was no heavy towed gear in those areas that would likely damage the reef features and have any impact on fishing activity within the district. An announcement was expected from Government before Christmas on the MCZ it wished to designate in the New Year and it was thought there would not be as many sites designated as expected. It was likely that in order to cope with the additional work Defra would not be able to progress MCZ as quickly as they would have hoped.

Cockle Fisheries in the Ribble Estuary. A comprehensive stock assessment had been carried out. Fishing activity had been authorised until 13th December and once the fishery closed there was unlikely to be a market for cockles in the early part of 2013. It was suggested that the beds should remain closed until surveys could be carried out in the spring and a decision made at that time on the fishery for the summer. There had been high levels of spat during autumn which it was hoped would survive and become good stock in 2013.

Implementation of Byelaw 3. The byelaw had been discussed extensively. The Authority was considering proposed amendments and the byelaw would be re-drafted as soon as possible and submitted for discussion to a meeting of the Technical, Science and Byelaw Sub-Committee.

With respect to cockle fisheries in the Ribble, Mrs Butler pointed out that fishermen who normally supplied the live market had not been able to work and that market had suffered as a consequence. The week running up to Christmas was a very fruitful one for the Christmas market. She suggested the matter needed to be addressed and looked at for future years. The Chief Executive pointed out that A or B class cockles were needed in order for them to be purified. At present there were no A class cockles and very few Class B cockles where there is sufficient stock that could be commercially exploited.

Mr Graham raised concerns on the MPA policy relating to the Lune Deep and the impact the potential new byelaw could have on fishing activity from Fleetwood using towed gear. Dr Atkins said if the Authority could set up a byelaw for the sensitive side of the slope only it would make a strong case for not prohibiting activity in the bottom of the Lune Deep. Mr Dobson said that Defra seemed to have left it to IFCAs to sort out the problem and asked if finance would be made available for the work. He proposed that the Authority should write to MMO to find out if they would be providing funding. The proposal was seconded by Dr Clark and the motion was carried. The Chairman said there was universal concern about funding the management of MPA. The AIFCA had pressed Defra hard on the point and would continue to do so. Mr Lumb said it was not entirely clear what the full guidance from Defra would be. Natural England would make available any information on the boundaries of interests and features under consideration and concern with a view to minimising any particular impact on fishing interests.

RESOLVED

1. The report be received.
2. Officers be directed to write to MMO regarding funding for the management of MPAs.

145 SCIENCE REPORT (AGENDA ITEM 12)

It was reported that during the period 1st August to 23rd November 2012 Officers' time had been spent on the Foulhaze and Ribble Estuary cockle fisheries, in surveys and fishery planning. Meetings to discuss Project Inshore had been held and Officers had assisted in the development of a studentship with Liverpool University. The TSB would be discussing that matter further. Officers had continued work on the development of a razor clam fishery and a methodology for that project had been developed. Science officers had also been involved in the Wildlife Trust Marine Graduates Scheme and had begun creating metadata records for NWIFCA data. Officers had also attended the Technical Advisory Group Conference in October. Much time had been spent on looking at the changing policy for MPA sites and moving those forward. Consultation meetings for the National Grid North West Coast Connections on the options for routing had been attended. Officers had also attended a number of other meetings and workshops including Shellfish Liaison, Dee Liaison, Natural England, Lake District National Park IT training, Solway Firth Partnership and IFCA Byelaws Workshop.

The Communications Officer reported that the Sea Angling project was continuing without any major problems. A meeting with fishermen had been held and more were planned across the District in the New Year. The Chairman asked that Officers inform members in advance of any conferences or meetings taking place.

With respect to the National Grid cabling, Members were informed that from May 2013 National Grid would be starting final consultation on two routes, one under the sea and one on shore. It was suggested that the National Grid be invited to give a presentation to a future IFCA meeting on the proposals and to be further briefed on the consultations.

The Chairman suggested that National Grid be invited to the March meeting and Ms Knott, who had contacts within the National Grid, said she would try to arrange that. A briefing paper would be prepared and circulated before the meeting. Officers would also circulate the link to the National Grid North West Communications website and a background paper emailed to members.

The Chairman urged Authority members to make their communities aware of the consultation.

RESOLVED

1. The report be received.
2. National Grid be invited to make a presentation to the March meeting of the NWIFCA.

146 A.O.B.

1. Annual Report 2011-12

The Chief Executive reminded Members that the draft Annual Report had been tabled. Any member wishing to make any additions, changes or comments should pass those to the Chief Executive for the Report to be updated.

2. Dates of Meetings 2013

Members were reminded of the dates agreed for meetings in 2013. No venue had yet been agreed for the Annual Meeting on 14th June and Members were asked to let the Chief Executive have any suggestions for a site visit on that date.

The Chairman thanked members for attending and for a positive and efficient meeting and wished all members a happy and prosperous Christmas. There being no further business the Chairman declared the meeting closed at 1300 hours.