

.94 AT THE ANNUAL MEETING OF THE NORTH WESTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY held at Morecambe Town Hall on Tuesday, 12th June 2012

PRESENT – MEMBERS

T. Beaumont	Liverpool City Council
M. Byram	Cheshire West and Chester Council
J. A. Clark	MMO appointee (Marine Science)
B. Crawford	MMO appointee (Anglers and Recreation)
W. Darbyshire	Environment Agency (Officer)
P. Glasman	Wirral Council
R. Graham	MMO appointee (Fishing Industry – Cumbria)
D. Grunshaw	MMO appointee (Shellfish Aquaculture)
T. Jones	MMO appointee (Shellfish sector)
S. Leadbetter	Lancashire County Council
C. Lumb	Natural England (Officer)
A. Maltby	MMO appointee (Fisheries management)
A. J. Markley	Cumbria County Council
M. R. Owen	MMO appointee (Fishing Industry – North West)
C. Reed	MMO appointee (Marine Science/Conservation)
A. C. Ross	Cumbria County Council
P. Williams	MMO appointee (Recreation)
C. J. Woods	MMO appointee (Fishing Industry – North West)

OFFICERS

S. M. Atkins	I. V. Andrews
K. Atkins	S. Brown
H. Ake	D. Dobson
M. Knott	C. Dobson

IN ATTENDANCE

R. Beresford	Wirral Council
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Apologies

J. Butler	MMO appointee (Shellfish Sector)
D. Clarke	MMO appointee
C. Frid	MMO appointee (Marine Science)
N. Robinson	MMO (Officer)
A. Thornton	Lancashire County Council

95 APPOINTMENT OF CHAIRMAN

The Chief Executive opened the meeting by calling for nominations for Chairman for the forthcoming year. Members nominated were

Mr R. Graham nominated by Trevor Jones. Seconded by Mrs M. R. Owen
Mr B. Crawford nominated by Councillor P. Glasman. Seconded Councillor T. Beaumont
Dr J. A. Clark nominated by Councillor A. J. Markley. Seconded Councillor A. C. Ross

All nominees were asked to give a brief presentation on their suitability as Chairman.

In accordance with Standing Orders 18(a) and 19 Members voted on each of the nominations.

Vote 1	Mr R. Graham	5
	Dr J. A. Clark	5
	Mr B. Crawford	3
Vote 2	Mr R. Graham	6
	Dr J. A. Clark	8

Councillor Beaumont suggested that there was a need to rotate the Chairman in future years between the different stakeholder groups. Dr Atkins said it would be up to the Committee to decide on the Chairman for the year but the point that the chair should circulate between different sectors would be noted.

RESOLVED

Dr J. A. Clark be appointed Chairman of the North Western IFCA for the forthcoming year.

96 CHAIRMAN'S ANNOUNCEMENTS

1. The Chairman welcomed new member Councillor P. Glasman from Wirral Council. She also welcomed Ms Clare Reed (MMO appointee) who would be arriving late.
2. The Chairman announced that Mr M. Hawkins (MMO appointee) had tendered his resignation from the Authority due to pressure from other work commitments.
3. The Chairman announced apologies for absence and welcomed visitors and members of the public.
4. Section 1 of the Annual Return and Internal Audit Report 2011/12 (Agenda Item 10), Correspondence with MCA Liverpool and Fylde Borough Council (Agenda Item 11) and Amended Annex A to the Annual Plan 2012-13 (Agenda Item 14) had been tabled.

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

Members declared pecuniary and non-pecuniary interest in Agenda items as follows:

Agenda Item 9. To make the new Byelaw 3: Permit to fish for Cockles and Mussels. Mr T. Jones, Mrs M. R. Owen, Mr C. Woods.

Agenda Item 11. Management Plan Proposals for a summer opening of the Foulaze Cockle Bed. Mrs M. R. Owen, Mr C. Woods.

98 APPOINTMENT OF VICE-CHAIRMAN

The Chairman called for nominations for Vice-Chairman of the NWIFCA for the forthcoming year.

RESOLVED

Councillor A. J. Markley be reappointed Vice-Chairman of the NWIFCA for the forthcoming year.

99 TO RECEIVE MINUTES OF THE NWIFCA MEETING HELD ON 16TH MARCH 2012

1. Minute 89 – NWIFCA Byelaw 3: Cockle and Mussel Management

Mrs Owen queried the proposed charge of £500 for permits. She said the question of the permit fee had been discussed at length at the previous meetings and she

thought the Authority had decided that the figure of £500 was too high. Dr Atkins said there had been a lot of discussion as to whether the fee could be modified but thought it was agreed to leave the proposed charge in the byelaw. He suggested that Officers could check the minute record from that meeting.

RESOLVED: The minutes of the NWIFCA meeting held on 16th March 2012 be approved and signed as a correct record.

100 MATTERS ARISING

There were no matters arising.

101 NWIFCA STANDING ORDERS

The Chairman presented the report and took Members through the recommendations.

In response to a question from Mr Graham as to the rationale behind the proposal to reduce the membership of the Technical, Science and Byelaw Sub-Committee Dr Atkins said that the Authority had not formally appointed the membership of the sub-committee and no limit on numbers had been agreed. It was thought the proposed reduction in membership would aid discussion and decision making of the sub-committee. There was an opportunity to appoint a further member to replace Dr Clark who would become an ex-officio member of the sub-committee as Chairman of the Authority.

RESOLVED

1. The report be received.
2. The membership of the Technical, Science and Byelaw Sub-Committee for the forthcoming year be reduced from 11 to 10 members.
3. The Terms of Reference for the Finance and Technical, Science and Byelaw Sub-Committees be approved.
4. The amendments to Standing Orders be approved.

102 APPOINTMENT OF TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE

The Chief Executive presented the report and reminded members of the current membership of the sub-committee. A replacement was required for Dr Clark who would now be an ex-officio member. Following a discussion it was agreed the current membership of the sub-committee should be reappointed en bloc. Mrs Owen proposed that Mr T. Jones be appointed to replace Dr Clark. The proposal was seconded by Mr Crawford and Mr Woods and this was agreed.

RESOLVED

1. The report be received.
2. The following persons be appointed members of the Technical, Science and Byelaw Sub-Committee for the forthcoming year.

Chairman, NWIFCA
Vice-Chairman, NWIFCA

Dr J. A. Clark
Councillor A. J. Markley

Mr C. Lumb
Mr N. Robinson
Mrs J. Butler

Mr W. Darbyshire
Mr R. Graham
Mrs M. R. Owen

103 TO MAKE THE NEW BYELAW 3: PERMIT TO FISH FOR COCKLES AND MUSSELS

The Chairman presented the report on the proposal to make the new Byelaw 3.

The Chief Executive said MMO had provided guidance on the wording of the byelaw and MMO lawyers were happy the byelaw would be considered to have been legally made if any changes were made following today's meeting. Any changes made to the byelaw would be incorporated and circulated to members for approval. The time-scale to get the byelaw in place for 1st September was very tight. The new byelaw would set up a new permit scheme to operate throughout the whole NWIFCA District from the Solway to the Dee. Provision had been made for fishermen from Cumbria and the Dee who did not have a permit to fish within the old NWNWSFC District to be allowed to continue fishing in their particular areas if they so wished. MMO had allowed certain areas to be nominated as commercial areas but those areas had to be defined in the byelaw and the Marine and Coastal Access Act (MACA) did not allow the NWIFCA the flexibility to change those areas according to local circumstances. The byelaw defined two areas, one in central Morecambe Bay and one in the Ribble, as commercial fishing areas. Any fishery opened in those areas would be deemed to be commercial and no-one would be allowed to take 5 kg for their own use. Increased safety measures for the use of boats had been included in the byelaw and a fixed permit fee had also been introduced. The MACA did not allow the NWIFCA any flexibility to change the fee once set. A large number of previous byelaws had been revoked and the new byelaw would apply across the whole District.

Councillor Markley sought clarification on paragraph 3 relating to support worker permits. Dr Atkins said the concept of the support worker permits was to allow a shellfish buyer to have permits for a small number of people within his employ to undertake the tasks of gathering sacks of cockles from the fishermen on the beach.

Councillor Glasman raised concerns that some fishermen from Eastern European countries who had worked on the Wirral had limited English language ability and she asked if applicants were required to carry out any English language tests. Dr Atkins said no applicant had been required to undertake a language test but language assessments were part of the Foreshore Gatherer's Training Certificate.

Mrs Owen suggested that applicants for the Dee and Cumbria fisheries should be required to hold the same qualifications as all other permit holders. Dr Atkins confirmed that point was covered in paragraphs 25 and 26 of the byelaw. Mrs Owen also raised concerns on the introduction of the permit fee of £500.

Councillor Beaumont raised a query on designation of commercial fishing areas and asked if it would be possible to have some kind of mechanism by which the Authority could look at areas in a more dynamic way rather than having to re-draft the byelaw each time a change to areas was needed. Dr Atkins said this point was a current issue among all IFCA's around England. IFCA's had a duty to manage fisheries sustainably and the point was being made that in order to do that IFCA's needed to be able to make adjustments to areas as necessary.

The Chairman asked if Members thought that a letter to Defra on the subject might be appropriate and this was agreed. Mr Jones reminded Members that the Authority had recently resolved to look into the possibility of introducing a District-wide Regulating Order which would enable the IFCA to manage fisheries more effectively. He asked if the letter to MMO could ask if such a Regulating Order would be acceptable.

Mr Darbyshire raised concerns about the ever-increasing numbers of permits and queried how it aligned with the IFCA's duty to ensure a sustainable fishery. The Chief Executive

said sustainable issues would be dealt with as the fishery developed by limiting times the fishery was open and limiting catch rather than by controlling the numbers of permits further. The NWIFCA had no legal mechanism for restricting numbers any further.

Ms Knott asked for clarification on paragraph 28 on the use of boats. She suggested line 2 of that paragraph should be amended to read “full gathering permit and/or support worker”. Dr Atkins agreed to raise that as an amendment.

Councillor Byram said a lot of work had been involved in preparing the byelaw and time was of the essence if it was to be introduced in time for the start of the season on 1st September. He moved the motion that the byelaw be ‘made’.

Following a vote it was unanimously

RESOLVED

3. The report be received.
4. The Authority ‘make’ Byelaw 3 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.
5. The byelaw now ‘made’ is

NWIFCA BYELAW 3 PERMIT TO FISH FOR COCKLES (*Cerastoderma edule*) AND MUSSELS (*Mytilus edulis*)

Interpretation

1. In this byelaw:
 - a. “cockles” means the species *Cerastoderma edule*;
 - b. “mussels” means the species *Mytilus edulis*;
 - c. “fishery” means an area of sea, seabed, exposed estuary, seashore, or other marine environment in any part of the District;
 - d. “the NWIFCA” means the North Western Inshore Fisheries and Conservation Authority and is defined in articles 2 and 4 of the North Western Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No. 2200);
 - e. “the District” means North Western Inshore Fisheries and Conservation District and is defined in articles 3 and 4 of the North Western Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No. 2200) ;
 - f. “full gathering permit” means a permit which authorises a person to gather cockles and mussels and carry out all related activities, such as moving them and transporting them;
 - g. “support worker permit” means a permit which authorises a person to carry out activities related to the gathering of cockles and mussels, such as moving them and transporting them to support a person with a full gathering permit but only after the cockles and mussels have been placed in a receptacle, after having been passed through a riddle in the case of cockles, by the person with the full gathering permit;

- h. "gathering" includes all activities related to the gathering of cockles and mussels such as moving and transporting them;
- i. "Commercial Shellfish Fisheries Area" means an area designated by the NWIFCA pursuant to paragraph 13;
- j. "Morecambe Bay Commercial Fisheries Area" means the area enclosed by straight lines joining the following co-ordinates in order:
 - I. 54° 08.490'N 03° 02.011'W
 - II. 54° 07.686'N 02° 53.497'W
 - III. 54° 03.204'N 02° 56.331'W
 - IV. 54° 04.062'N 03° 03.776'W
 - V. 54° 08.490'N 03° 02.011'W;
- k. "Ribble Estuary Commercial Fisheries Area" means the area enclosed by straight lines joining the following co-ordinates in order:
 - I. 53° 43.008'N 03° 05.177'W
 - II. 53° 43.572'N 02° 59.986'W
 - III. 53° 40.902'N 03° 00.341'W
 - IV. 53° 40.860'N 03° 05.122'W
 - V. 53° 43.008'N 03° 05.177'W;
- l. "Gangmaster Licensing Authority licence" means a licence issued under the Gangmasters Licencing) Act 2004; and
- m. "Foreshore Gatherers Safety Training Certificate" means a document issued by a Seafish Industry Group Training Association or a trainer approved by the NWIFCA, certifying that the person named on the certificate has completed a safety training course for intertidal shellfishing.

Permit

- 2. Subject to paragraphs 10, 11, 25 and 26 of this byelaw no person shall gather cockles or mussels within or from a fishery unless he has in his possession a full gathering permit.
- 3. Subject to paragraphs 10, 11, 25 and 26 of this byelaw, no person shall, in the area of the District below mean high water springs, move or transport cockles or mussels within or from a fishery unless he has either a full gathering permit or a support worker permit.
- 4. No person shall have in their possession any article for use in the course of or in connection with gathering cockles or mussels within or from a fishery in breach of this byelaw.
- 5. No person shall have in their possession any cockle or mussel gathered within or from a fishery in breach of this byelaw.

Minimum Sizes

- 6. No person shall gather within or from a fishery any cockle which will pass through a gauge having a square opening of 20mm measured across each side of the square or any mussel less than 45mm in length.

Fishing Methods

- 7. No person shall gather cockles or mussels except:

- a) by hand or using hand-held rakes;
 - b) in the case of cockles by using crabs, rakes, spades, tamps or jumbos; or
 - c) by using buckets, sacks, net bags, ton bags and other such containers ordinarily used for the storage of cockles and mussels.
8. No person shall place cockles that have just been fished into a container unless they have been passed through a rigid riddle with a gauge with the specification set out in paragraph 6.

Redeposit

9. Any person who removes or possesses shellfish the removal or possession of which is prohibited by or in pursuance of these byelaws or any Act of Parliament shall immediately redeposit the same without injury as nearly as possible in the fishery from which they were taken or under the written authority of the NWIFCA on another suitable fishery and shall spread them thinly and evenly through the fishery.

Written permission

10. This byelaw shall not apply to any person performing an act which would otherwise constitute an offence against this byelaw if that act was carried out in accordance with a written permission issued by the NWIFCA permitting that act for scientific, management, stocking or breeding purposes.

Exception for Personal Consumption to the Requirement for a permit

11. No person shall require a permit under this byelaw to gather less than a total of 5kg of cockles and 5kg of mussels during a calendar day intended for their own personal consumption within or from a fishery which is neither closed pursuant to paragraph 12 of this byelaw or byelaw 13A of the North Western and North Wales Sea Fisheries Committee (cockles and mussels – management of the fishery) or byelaw 18 of the Cumbria Sea Fisheries Committee (shellfishery – temporary closure) nor designated a Commercial Shellfish Fisheries Area pursuant to paragraph 13 of this byelaw.

Fisheries Closure

12. No person shall gather any cockle within or from a fishery on or between the 1st day of May and the 31th day of August in the same year or have in their possession any cockle or mussel from a fishery that has been closed pursuant to byelaw 13A of the North Western and North Wales Sea Fisheries Committee (cockles and mussels – management of the fishery) or byelaw 18 of the Cumbria Sea Fisheries Committee (shellfishery – temporary closure).

Commercial cockle or mussel fisheries

13. The NWIFCA designates the Morecambe Bay Commercial Fisheries Area and the Ribble Estuary Commercial Fisheries Area as Commercial Shellfish Fisheries Areas.

Application for Permits

14. The period of validity of permits shall be from 1st September in any given year to 31st of August the following year unless otherwise stated. Permits shall be annually renewable subject to paragraph 16 of this byelaw. A fee of £500 will be charged each year by the NWIFCA for all permits issued under this byelaw.

15. Holders of a permit to gather cockles or mussels under this byelaw in any given year shall be entitled to renew the permit for next year up to one year after the permit term has expired.
16. Applications for the renewal of permits pursuant to this byelaw shall be made using the printed forms available from the NWIFCA offices or the NWIFCA website. Renewal forms will be made available 2 calendar months before the date each permit term begins. On renewal, applicants must satisfy the NWIFCA that at some time in the previous 3 years they have derived a substantial part of their income from fishing activities by providing evidence which may include a personal statement detailing fishing activities in the last 3 years and evidence that tax has been paid on fishing income in the last 3 years.
17. Applications for new permits pursuant to this byelaw shall be made using the printed forms available from the NWIFCA offices or the NWIFCA website. Applications for new permits to be issued pursuant to paragraphs 22 and 27 of this byelaw shall be made by first registering an interest with the NWIFCA in writing. If the number of applicants registering an interest exceeds the number of available permits a waiting list will be compiled on a 'first come, first served' basis and an applicant will be invited to complete an application for a new permit in the first year a new permit becomes available. Applications shall meet all the requirements of paragraph 22 in the case of full gathering permits and paragraph 27 in the case of support worker permits.
18. A permit issued pursuant to this byelaw is not transferable.
19. Failure to produce, on the reasonable demand of a properly warranted Officer or a Constable, a valid permit when carrying out any activity for which a permit is required constitutes a breach of this byelaw.
20. Failure to notify the NWIFCA of any change of name or address during the period of the validity of a permit constitutes a breach of this byelaw.

Filing returns

21. The holder of a permit to gather cockles or mussels under this byelaw shall be required to file with the NWIFCA, no later than the 5th day of the month following, such information in regard to catches and fishing effort for the previous month, under the terms of such permit, as the NWIFCA may require. Nil returns may be required at the discretion of the NWIFCA. Permit holders not filing returns may have their permits suspended by the NWIFCA until returns have been filed.

New Permits

22. New full gathering permits shall be issued each year to a maximum of the first 10 applicants on the waiting list who have not held a permit pursuant to this byelaw in the previous year on production of:
 - a) evidence of the applicant's identity, containing photograph and signature, such as a valid passport; or a driving licence with photo;
 - b) evidence of the applicant's address, such as a utility bill issued in the preceding 4 months of application or a current tenancy agreement;
 - c) evidence of the applicant's National Insurance Number;

- d) 2 recent passport style photographs of the applicant signed on the back by the applicant;
- e) the applicant's valid Foreshore Gatherers Safety Training certificate or proof of the successful completion of an equivalent safety training course. Equivalence is determined at the discretion of the NWIFCA; and
- f) payment of the fee set in paragraph 14.

Transitional Arrangements

- 23. Holders of a permit for 2011/2012 issued under byelaw 5 of the NWIFCA (permit to fish for cockles (*Cerastoderma edule*) and mussels (*Mytilus edulis*)) shall be entitled to renewal of that permit under this byelaw 3 for the year 2012/2013.
- 24. Permits to fish for cockles and mussels for the year 2012/2013 shall be issued to 40 new applicants under the rules set out in Byelaw 5 of the NWIFCA (permit to fish for cockles (*Cerastoderma edule*) and mussels (*Mytilus edulis*)). No permits to fish for cockles and mussels shall be issued to new applicants under this byelaw 3 for the year 2012/2013.
- 25. Persons who provide evidence to the satisfaction of the NWIFCA that they have in the past held a permit issued under Cumbria Sea Fisheries Committee byelaw 21 (cockles – permit scheme) or 23 (mussels – permit scheme) and have in the past been engaged in commercial cockle or mussel fishing activities in a specified region or regions within the District formerly administered by the Cumbria Sea Fisheries Committee shall be eligible to apply to the NWIFCA for written authority to continue to fish in any fisheries within that region or regions. The obligations in this byelaw apply to a person fishing under a written authority but no fee is payable for the issue of that authority.
- 26. Persons who provide evidence to the satisfaction of the NWIFCA that they have in the past been engaged in commercial cockle or mussel fishing activities in a specified region or regions within the Dee Estuary shall be eligible to apply to the NWIFCA for written authority to continue to fish in any fisheries within that region or regions. The obligations in this byelaw apply to a person fishing under a written authority but no fee is payable for the issue of that authority.

Support worker permit

- 27. Commercial organisations trading in cockles and mussels may apply to the NWIFCA for permits for specified members of staff who they wish to perform ancillary trading activities within a cockle or mussel fishery which would constitute taking, removing or transporting cockles or mussels within or from a fishery including driving transport vehicles, transporting shellfish and weighing shellfish. The NWIFCA will issue up to a maximum of 6 support worker permits to each commercial organisation upon receipt of complete applications on production of:
 - a. The names, contact details, national insurance numbers and proof of right to work of the members of staff. Proof of identity of those members of staff containing photograph and signature, such as a valid passport; or a driving licence with photo and proof of address of those members of staff, such as a recent utility bill;
 - b. Proof from the annual account or annual report of the organisation's trade in cockles or mussels;

- c. Evidence that the organisation holds a Gangmaster Licensing Authority licence for shellfish operations;
- d. Statement of the duties members of staff will perform in the shellfish fishery;
- e. Two recent passport style photographs of the members of staff signed and dated on the back by the members of staff;
- f. Valid Foreshore Gatherers Safety Training certificates for each of the members of staff or proof of the successful completion of an equivalent safety training course. Equivalence is decided at the discretion of the NWIFCA; and
- g. Payment of the fee set in paragraph 14.

Use of boats

- 28. No person shall use a boat to access shellfish beds in order to gather, remove or transport cockles or mussels unless they have a full gathering permit endorsed as a boat user by the NWIFCA. The NWIFCA will endorse permits as boat users on production of evidence that the holder has completed training of an equivalent standard to the courses provided by Seafish in Sea Survival, First aid and Health and Safety at Sea. Equivalence is decided at the discretion of NWIFCA.
- 29. No person shall be granted an endorsement as a boat user unless they have in their possession a serviceable life jacket and the boat is equipped with a serviceable VHF radio, global positioning equipment marine distress flares and an adequate anchor with a means of effective deployment.

Revocation of Legacy Byelaws

- 30. Byelaw 5 (permit to fish for cockles (*Cerastoderma edule*) and mussels (*Mytilis edulis*)) made by the NWIFCA is revoked.
- 31. The following byelaws made by the North Western and North Wales Sea Fisheries Committee are revoked in so far as they apply within the District:
 - a) byelaw 5 (permit to fish for cockles (*Cerastoderma edule*) and mussels (*Mytilis edulis*));
 - b) byelaw 13 (cockles – minimum size);
 - c) byelaw 14 (cockle fishery – seasonal closure);
 - d) byelaw 15 (mussels – minimum size); and
 - e) byelaw 17 (redeposit of shellfish).
- 32. The following byelaws made by the Cumbria Sea Fisheries Committee are revoked in so far as they apply within the District :
 - a. byelaw 5 (minimum removal size for mussels);
 - b. byelaw 6 (minimum removal size for cockles);
 - c. byelaw 12 (redepositing of shellfish);
 - d. byelaw 16 (cockles - seasonal closure));

- e. byelaw 21 (cockles - permit scheme);
 - f. byelaw 22 (cockles - catch restrictions);
 - g. byelaw 23 (mussels - permit scheme); and
 - h. byelaw 24 (mussels – catch restrictions).
- 33 The byelaws originally promoted by the Board of Conservators for the Dee Fishery District relating to fishing for mussels and cockles are revoked in so far as they apply within the District.'

Explanatory Notes to byelaw 3 not forming part of the byelaw

1. The purpose of this byelaw is to control the exploitation of shellfish fisheries of cockles and mussels to ensure catches remain at a sustainable level and are obtained by sustainable fishing methods. As cockle and mussel fishing can be highly lucrative depending on price variations the NWIFCA has concluded a permit scheme is necessary to limit the number of fishermen and consequently the number of cockles gathered, along with the methods they use.
2. The byelaw prohibits the gathering of cockles or mussels (other than for personal consumption) without a full gathering permit and prohibits the moving and transporting of cockles or mussels (other than for personal consumption) below mean high water springs without a support worker permit (paragraphs 2 and 3). The full gathering permit also permits the holder to move and transport cockles or mussels below mean high water springs (definition of 'full gathering permit' in paragraph 1).

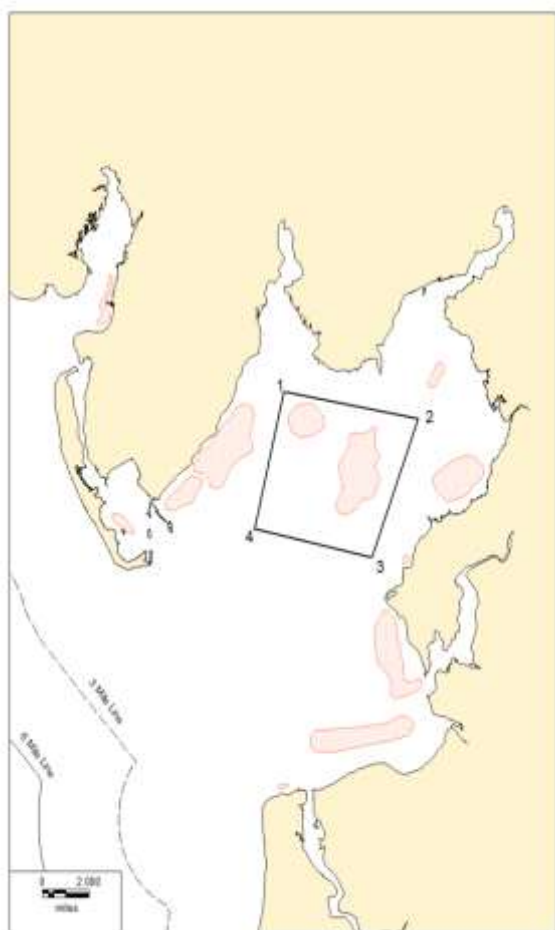


Fig 2, Morecambe Bay Commercial Fisheries Area with known historical cockle beds

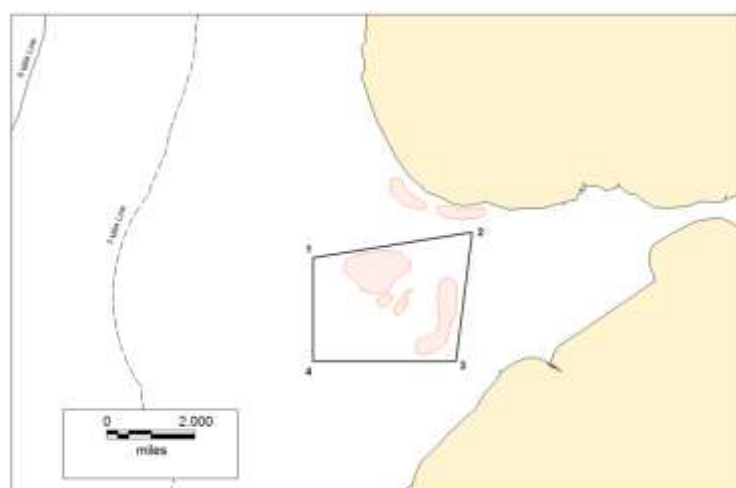


Fig 1, Ribble Commercial Fisheries Area with known historical cockle beds

3. The byelaw prohibits the possession of articles to gather cockles or mussels in breach of the byelaw and specifies the fishing methods that may be used (paragraphs 4, 7 and 8)
4. The byelaw prohibits the possession of cockles or mussels gathered in breach of the byelaw (paragraph 5) and provides for their redeposit (paragraph 9).
5. The byelaw sets minimum sizes for cockles and mussels (paragraph 6).
6. The byelaw provides an exemption for a person who carries out an act which would otherwise constitute an offence if it is in accordance with a written permission issued by the NWIFCA permitting that act for scientific, stocking or breeding purposes (paragraph 10).
7. The byelaw provides that a person does not need a permit to gather less than a 5kg of cockles or mussels for personal consumption from areas that are not closed or in Commercial Shellfish Fisheries Areas (paragraph 11).
8. The byelaw provides for the annual closure of cockle fisheries throughout the District for a specified period (paragraph 12).
9. The byelaw provides for the designation of certain cockle beds as Commercial Shellfish Fisheries Areas as shown in the at maps figs 1 and 2. These maps are provided for illustration only. See the definition of the areas in the interpretation paragraph of the byelaw for the exact co-ordinates (paragraph 13).
10. The byelaw provides an application procedure for permits (paragraphs 14 to 20).
11. The byelaw provides for permit holders to file returns (paragraph 21).
12. The byelaw provides for the renewal of permits and the issue of new permits (paragraphs 15 and 22).
13. The byelaw provides transitional arrangements for those with a right to gather shellfish under existing byelaws (paragraphs 23 to 26).
14. The byelaw provides for the issue of support worker permits (paragraph 27).
15. The byelaw provides that a full gathering permit must be endorsed if the holder uses a boat to access shellfish beds (paragraphs 28 and 29).
16. The byelaw provides for the revocation of specified byelaws that previously applied in the District (paragraphs 30, 31, 32 and 33).

104 FINANCIAL REPORT AS AT 29TH MAY 2012

The Finance Officer presented the report and reminded Members that Section 1 of the Annual Return for 2011/12 and the Internal Audit Report for 2011-12 provided by Moore & Smalley had been tabled. A small number of adjustments had been made to the Section 1 of the Annual Return. A minute confirming approval of the Annual Return was required and following Members approval Sections 1 and 2 would be signed by the Chairman and Chief Executive.

Councillor Markley reported that the budget report discussed by members of the Finance Sub-Committee that morning had showed a surplus for the year 2011/12. It had been agreed that the surplus would be put towards funding the proposed new patrol vessel. Officers would be writing to the funding authorities to make them aware of the position and

of the intention to seek funding from local authorities for the purchase of the vessel. Match funding from other sources would also be investigated.

Councillor Markley proposed that the Annual Return for 2011/12 and Internal Audit Report be approved and Councillor Beaumont seconded that proposal.

RESOLVED

1. The report be received.
2. Parts 1 and 2 of the Annual Return for 2011-12 be approved and signed by the Chairman and Chief Executive.
3. The Internal Audit Report for 2011-12 be approved

105 FOULNAZE COCKLES

The Chief Executive said Officers had considered the possibility of opening the Ribble cockle fishery in June during the closed season. Members were reminded of the tabled correspondence received in respect of this item. The MCGA considered the Foulnaze fishery to be fundamentally unsafe. Officers had tried to take account of their concerns and had set up regulations that required training courses but MCGA were still very concerned. A meeting had been held with partner agencies at Fylde Borough on 30th May to discuss the proposals and the tabled letter from Fylde council raised concerns that the NWIFCA could not provide adequate enforcement cover to manage the fishery securely. The Authority now needed to take a decision on whether the bed should be opened.

Mrs Owen and Mr Woods both supported opening the bed on 18th June and said fishermen had been led to believe the fishery would be opened on that date. It was pointed out that the fishermen had all the necessary qualifications and had had their boats inspected. There was a stock of cockles in the area that needed to be harvested.

Councillor Beaumont felt that Fylde Borough Council and MCGAs attitude was not a constructive way of dealing with the issue. He suggested it was putting the Authority in the difficult position of having to make the decision on whether it should be opened anyway.

Councillor Markley moved that the Authority should move forward and open the beds as long as it was considered safe and within time schedules that Officers could work. The motion was seconded by Mrs Owen.

Councillor Beaumont suggested that Officers prepare an enforcement plan to provide Fylde council and MCGA with details of how the fishery would be enforced. This would recognise their concerns and indicate how the Authority was going to deal with those concerns. Mr Dobson said an outline plan had been prepared but Officers would need to work with the industry for their support.

The Natural England representative was asked for the NE stance on a summer opening as the bed fell within a European Marine Site. Mr Lumb said that NE had provided advice on the conservation elements and a summer opening would likely have less impact than a winter opening.

On behalf of the fishermen present at the meeting Mrs Owen said they appreciated the fact that the Authority had listened to their concerns and hoped things would now be moved forward. The ball was in their court and they should work with the Authority.

Dr Atkins pointed out that the council and MCGA were concerned about the events in 2011 and the extent of the adverse publicity the activity had received. The fishing industry would

be very much under the spotlight. He suggested an opening date of 1st August which would allow one month's fishing.

The Chairman asked if Members were happy to accept Councillor Markley's proposal and for the bed to be opened as soon as possible.

The Chairman then suggested that the discussion should be continued after lunch and this was agreed.

106 The Chairman proposed a change in the Agenda to take Item 13 next and this was agreed.

107 SCIENCE REPORT

The Scientific and Morecambe Bay Fishery Order Officer presented the report and said this provided a brief resume of the work carried out by the Scientific team during the period 1st February to 30th April 2012. Science issues had been covered in more depth with the report that would be discussed by the TSB Sub-Committee that afternoon. Ms Knott provided updates on the project work currently being undertaken. These included the Sustainable Fisheries Review which was progressing and 'Project Inshore', which was a national initiative to look at all fisheries in inshore waters around England. MSC had issued a Press Release confirming that their funding bid for the project had been successful. The report also contained information on the Sea Angling 2012 project and on consultations and meetings attended by officers.

The Chairman asked members if they were happy for the TSB sub-committee to progress issues and for that sub-committee to keep the Authority informed on progress with those issues. The Chairman congratulated Ms Knott and the Science team for their work, a lot of which went unrecognised.

RESOLVED

1. The report be received.

The meeting then reverted back to the Agenda as printed.

108 ENFORCEMENT DIRECTOR'S REPORT

The Enforcement Director reported that the weather had had a serious impact on any fishing offshore up to the start of February. From early February to April the weather had improved and for the most part had been settled. Returns from offshore fishing had been poor for the time of year. Shrimp and prawn fishing was very poor but some species such as whelks had been quite abundant.

With regard to enforcement the patrol vessel had experienced problems with the port engine throughout the reporting period. A new engine was being fitted and it was hoped that would resolve the problems. The report included brief resumés of offences detected since the creation of the NWIFCA.

RESOLVED

The report be received.

109 ANNUAL PLAN 2012-13 AND NWIFCA DEVELOPMENT

The Chief Executive presented the report on the Annual Plan 2012-13 and NWIFCA Development. The Annual Plan which had been tabled for information had tried to take into account comments made at the last NWIFCA meeting on 16th March. The complete

plan had been drafted in accordance with the Defra plan guidelines set for IFCAs. Any comments received from members would be incorporated in the plan.

RESOLVED

1. The report be received.
2. The Annual Plan be approved.

110 ANY OTHER BUSINESS

1. Morecambe Bay Fishery Order: Update

The MBFO Officer informed Members that the application for a Morecambe Bay Fishery Order was ongoing. The application had been submitted to Defra who had made some comments and amendments. Ms Knott said the consultation would be advertised on the Authority's website and all members were urged to read the consultation in detail so that the implications for all were understood. It was hoped that permit holders could be informed about the Order so they were also fully aware of the implications.

111 ADJOURNMENT OF MEETING

The Chairman proposed an adjournment until 1400 hours and this was agreed.

112 MEETING RECONVENED AT 1400 HOURS

FOULNAZE COCKLES

The meeting re-convened with further discussion on the Foulnaze cockle fishery item. The Chief Executive reminded members a proposal had been put forward for a summer opening of the fishery and any decision made by the Authority would be subject to a lot of scrutiny. He asked for an assurance that there was unanimous support for the proposal with no dissent.

Councillor Beaumont felt it was more how the proposal was framed. The Authority was taking a responsible attitude in recognising the activity would be safer if carried out in July/August rather than September/October. He proposed the motion "That the NWIFCA should initiate the process to open the Foulnaze beds at some point between 12th June and 1st August 2012 from Monday to Thursday using a derogation under the seasonal closure Byelaw 14. NWIFCA to coordinate the production of a plan for effective enforcement of the opened beds along with a contingency plan should a significant amount of non-permitted fishing occur". Councillor Beaumont felt the Authority needed to take people's concerns seriously and act responsibly. It had to find a way of regulating the activity as safely as possible and a derogation against Byelaw 14 would be the most effective way of doing that.

There was some discussion as to whether the bed should be closed during the period of the Open Golf Championship at Lytham between 16th and 22nd July. Members agreed that it should be put as part of the conditions that the bed would be closed during that period. Councillor Beaumont amended his motion to add the following wording "The Open Golf Championship will place a significant burden on the enforcement capability of local agencies and so NWIFCA proposes a hiatus in fishing during the event".

Mr Dobson said the Authority could attach terms and conditions to the permit which would aid enforcement. Ms Knott suggested there would be a lot of similarities with the West Kirby fishery and the conditions used there could be adapted.

It was suggested that the Authority should issue a note to partner agencies to make them aware of the situation and say the Authority had looked at the situation and supported the fact that it was in a difficult situation, the objections from councils had been considered and in consultation with industry the Authority had decided that the bed should be opened on as soon as possible.

Mr Darbyshire said the evidence seemed to indicate that environmentally and economically summer would be the best time to open the bed and he thought the Authority was doing the right thing. He felt the biggest problem would be the enforcement issue and whether other agencies would support the action taken by the Authority. There still needed to be a multi-agency approach to the activity.

Dr Atkins said the Authority would need to inform partner agencies of the Authority's decision and ask for their support with this. The Chairman suggested that it should be emphasised that the Authority had deliberated and considered the proposals to open the Foulhaze cockle bed. The IFCA was fulfilling its objective in making the decision which had been arrived at by contributions from all members.

Councillor Beaumont again put forward his motion which was seconded by Councillor Markley and Mrs Owen. Councillor Byram proposed an amendment to the motion "That Officers be given delegated powers to negotiate the opening of the beds as soon as possible". The amendment was seconded by Mr Woods. Following a vote the motion and amendment were carried.

The Chief Executive said members would be kept informed of developments.

RESOLVED

1. The report be received.
2. Officers be directed to progress the necessary arrangements for the opening of the Foulhaze cockle bed.
3. Officers be given delegated powers to negotiate the opening of the bed as soon as possible.
4. Partner agencies be informed of the Authority's decision.

The Chairman thanked Members for attending and declared the meeting closed at 1445 hours.