

PRESENT – MEMBERS

Councillor A. J. Markley	(Chairman)	Cumbria County Council
Dr E. Baxter		MMO appointee (Marine Environment)
Mr R. Benson		MMO appointee (Fishing Industry – North West)
Councillor K. Brown		Lancashire County Council
Mr B. Crawford		MMO appointee (Anglers and Recreation)
Mr R. Graham		MMO appointee (Commercial)
Mr D. Harpley		MMO appointee (Marine Environment)
Mr T. Jones		MMO appointee (Commercial/Aquaculture)
Councillor J. J. Kelly		Sefton Council
Mr R. Littleton		MMO (Officer)
Mr C. Lumb		Natural England (Officer)
Mr S. Manning		MMO appointee (Commercial)
Miss C. Salthouse		MMO appointee (Marine Environment)
Mr K. Thompson		MMO appointee (Commercial/Aquaculture)
Dr P. Williams		MMO appointee (Recreation)
Mr B. Darbyshire		Environment Agency (Officer)

OFFICERS

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

IN ATTENDANCE

Mr S. Benson	Lancashire County Council
Mr C. Clayton	Wirral Council
Mr D. McAleavy	Sefton Council

APOLOGIES FOR ABSENCE

Councillor M. Byram	Cheshire West and Chester Council
Dr J. A. Clark	MMO appointee (Marine Science)
Mr D. Grunshaw	MMO appointee
Mr A. Maltby	MMO appointee
Mr S. Mounsey	Environment Agency
Ms P. Taylor	MMO appointee (Marine Environment)

267 CHAIRMAN'S ANNOUNCEMENTS

1. The Chairman welcomed new members Mr S. J. Manning, Miss C. Salthouse and Mr K. Thompson (MMO appointees), also Mr Bill Darbyshire attending as a substitute for Mr S. Mounsey.
2. The Chairman announced apologies and welcomed visitors.
3. The Chairman announced that Councillor T. Beaumont (Liverpool City Council), Mrs M. R. Owen and Prof C. Frid (MMO) had tendered their resignation from the Authority. He said he was sure all members wished them well and would like to

thank them for all their work in the past. Mr Darbyshire, Mrs Owen and Prof Frid had been members of the Authority since 2011 and were also members of the TSB Sub-Committee. Mr J. D. Murphy has also resigned as he feels no longer feels able to fully contribute to the work of the Authority. It was agreed that the CEO be asked to write to Mr Murphy thanking him for his contribution.

The Chief Executive was then asked to read out Mrs Owen's letter of resignation which he did.

Mr Graham expressed disappointment at Mrs Owen's decision saying she was a valuable member of this Authority and the TSB which can ill afford to lose such people. He hoped Mrs Owen will re-think her position and reconsider her membership of the Authority.

The Finance Officer felt Mrs Owen had raised a serious governance issue in her letter which the full Authority should address as it may require changes to the Constitution. The Chairman suggested the Chairman's Sub-Committee should look into this with a report to a future meeting. This was agreed.

4. The postponed special TSB meeting to reconsider the need for a Fishery Order in Morecambe Bay will be held on Tuesday, 16<sup>th</sup> December 2014 at the Carnforth office starting at 10 a.m.
5. The Chairman announced an amendment to Agenda Item 6 (Financial Report). The figure shown for Byelaw 3 Permit Fees in Annex A was incorrect and should read £70,800. This does not affect the overall Operating Surplus/-Deficit figures. Members were asked to amend their copy of the Annex accordingly.
6. A news item from the Fleetwood Weekly News regarding Fleetwood Fishermen had been tabled.

268 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST IN AGENDA ITEMS (Agenda Item 2)

Agenda Item 8. Chief Officer's Report. Messrs R. Benson, T. Jones and K. Thompson.  
Agenda Item 9. Report on TSB Sub-Committee meeting held on 31<sup>st</sup> October 2014. Messrs T. Jones and S. J. Manning.  
Agenda Item 10. Science Report. Messrs T. Jones and S. J. Manning.

269 TO RECEIVE MINUTES OF NWIFCA MEETING HELD ON 19<sup>TH</sup> SEPTEMBER 2014 (Agenda Item 3)

Councillor Brown proposed approval of the minutes. The proposal was seconded by Councillor Kelly.

RESOLVED

The minutes of the NWIFCA meeting held on 19<sup>th</sup> September 2014 be approved and signed as a correct record.

270 MATTERS ARISING (Agenda Item 4)

Dr Baxter asked for an update on the appointment of MMO representatives. The Chief Executive said those members appointed in 2011 should have received an invitation to extend their membership for six months. Mr Stephen Brooker, Director of Operations at MMO, said at a recent AIFCA meeting that the process of re-establishing the MMO appointees system is being looked at closely. Mr Littleton said he understood all vacancies were going to be re-advertised but he will take an action note to look into the matter.

Mr Graham brought up the issue of how IFCA deals with a member whose action brings into question the Authority's code of conduct. Any member who is considered to have brought his office or the organisation into disrepute could be asked to resign but they would then have the right of appeal to MMO who would decide whether to uphold the IFCA decision.

Mr Graham raised the question of court cases involving non-payment of Financial Admin Penalties. A recent case had highlighted the fact that evidence given by a defendant in respect of their income might have been incorrect. The Chief Executive and Head of Enforcement were to look into this situation to see if it should be pursued and Mr Graham asked if that had been done. Mr Deary said advice from the Authority's solicitor is that this would be costly. Officers in future will try to collect evidence for the court to show inaccuracies in information presented by defendants.

271 REPORT ON FINANCE SUB-COMMITTEE MEETING HELD ON 12<sup>TH</sup> DECEMBER 2014  
(Agenda Item 5)

The Chairman provided a verbal report on the Finance Sub-Committee meeting held that morning. The sub-committee had agreed the budget and levy for 2015-16 and had also agreed to bring a recommendation to the Authority to proceed with the procurement of a new patrol vessel as quickly as possible. The Chairman suggested Agenda Items 5 and 6 should be taken together. This was agreed.

272 FINANCIAL REPORT (Agenda Item 6)

The Chairman introduced the report and drew attention to the recommendations. The Finance Officer asked members to amend their copy of Annex A to show the figure for Byelaw 3 Permit Fees in the Year to Date and Year to Date Actual columns as £70,800 instead than the £1,500 given in the report.

The Chairman proposed an amendment to the recommendation in paragraph B of the report, the amendment to read "A new fisheries enforcement and scientific vessel (specification to be finalised) is urgent and should be procured using NWIFCA reserves, the additional annual 2% levy as agreed and a lease purchase agreement through Lancashire County Council. Officers be requested to instruct LCC to carry out the tendering and procurement procedure for purchase of a new vessel to be commissioned by the end of 2015 or early 2016".

Mr Graham said the question of a replacement vessel for 'Solway Protector' has been discussed on many occasions since the inception of the IFCA and the specification has been amended to bring costs down to an acceptable level. The Chief Executive, Chairman and other members recently visited Blyth Workboats at Canvey Island and had asked if they would be able to supply a vessel with the current funding available to the Authority of £1.3M. Management of that boatyard have since provided details of boats they would be able to supply within the IFCA's budget and to the specification compiled by the skipper and crew of 'Solway Protector'. Tenders from other boatyards will be requested under the procurement and tender process and all tenders received will be considered.

In response to a question from Mr Lumb as to whether the specification for the new vessel will include the facility to carry out all the scientific work expected of it, the Chairman said all the features requested were incorporated in the specification.

The Chairman asked for members' approval of the budget and levy for 2015-16 and of the recommendations in the report including the agreed amendment to move forward with procurement. Approval was proposed by Councillor Kelly and seconded by Councillor Brown. The proposal was carried unanimously.

## RESOLVED

1. The report on the Finance Sub-Committee meeting held on 12<sup>th</sup> December 2014 be received.
2. The Financial Report be received.
3. The Budget Review to 31<sup>st</sup> October 2014 be approved.
4. The Risk Assessment Review be approved.
5. The Review of Effectiveness of Internal Audit be approved.
6. That Moore & Smalley, LLP be appointed as Internal Auditors.
7. The Budget and Levy for 2015-16 including the 2% increase to progress procurement of the replacement patrol vessel be approved.

## 273 QUARTERLY REPORT (Agenda Item 7)

The Head of Enforcement said the quarter was dominated by three fisheries, mussels, potting and netting in the north of the district, and the skate and ray closure. The South America fishery had been monitored very closely and was compliant. A summary of the fishing activity there was given in the report. With respect to Perch Scar, hand gatherers were given the opportunity to fish the bed for seed mussel as agreed by the TSB Sub-Committee but had not prosecuted the fishery and it was subsequently authorised as a dredge fishery. The Foulney mussel fishery has been very quiet. There are no size mussels on the bed at the moment and the science team are working on a new zoning system for fishing Foulney. The Duddon has recently been downgraded to Class C under the Shellfish Hygiene Regulations. This means that the mussels have to be heat treated or laid in an area of Class A or B for 12 months which makes them much less marketable. The Area VII skate and ray closure had a huge impact on the local fleets given that the seasonal nephrops fishery had come to an end and this had effectively tied up the fishery from Fleetwood northwards.

Enforcement during the quarter led to action being taken for breach of conditions at Heysham, mixed mussel size at Blackpool, foul hooking, renewal of Byelaw 3 and a netting offence. An offence against the byelaws is being pursued. With respect to Byelaw 3 Nil returns, Officers have received representation from industry to be allowed to fill in 12 months' Nil returns if they will not be fishing rather than monthly as required under the byelaw. The Authority will need to consider whether to allow that. Two prosecutions are proceeding through court, one relating to Foulhaze and the second is the alleged obstruction case. In relation to these latter two incidents an internal review of officers' safety is being carried out.

With respect to the skate and ray closure, Mr Graham said this did not only affect ICES Area VIIA but all coastline around the country. The closure, which was brought in very quickly, was imposed as fishermen had exceeded the quota allowed from Europe for skates and ray. This is a real concern to fishermen as no fishing for skate and rays will be permitted until new quotas are known. The article in the Fleetwood Weekly tabled by Dr Baxter also made mention of difficulties caused by the ban. Mr Graham provided members with background to the article which relates to an allocation of funding from the West of Morecambe Fisheries Fund (WMFF). This funding, in the main, is for fishing related community projects. Fleetwood, Whitehaven, Maryport, Barrow have all benefited from the fund as a result of applications they made, and Morecambe and Heysham Fishermen's Association has also gained from it this week. A separate fund for displacement of fishing vessels affected by wind farm developments had been in place where fishermen made

application to the developers for disruption payments. The WMFF was created in 2009 with a total fund of £300,000. The fund is common knowledge and he feels the statement that no-one in Fleetwood knew anything about it is hard to believe. If any member would like more detailed information on this Mr Graham said he could provide this.

## RESOLVED

The report be received.

### 274 CHIEF OFFICER'S REPORT (Agenda Item 8)

The Chief Executive reported on the following items.

#### Defra Policy

EMS Revised policy: The Chief Executive said the EMS policy is still taking up a lot of science officers' time and will continue to do so without any additional funding from Defra. At the AIFCA meeting last week Mr Nigel Gooding (Defra) was asked for further clarification on its priorities and what they would be expecting of the IFCA and he has agreed to confirm that in writing. Defra are also moving forward with another tranche of MCZ and consultation is expected early in 2015 on tranche 2 sites of which there are two or three in this District. Mr Lumb said NE is working closely with the IFCA to help streamline and minimise implications and maximise benefits.

MCZ. Mr Manning said he objected to the words 'closed areas' in Byelaw 6 which are not closed areas but areas where certain types of activity are not permitted. Ms Knott said she felt there might be an issue if the terminology used is causing confusion. The Chief Executive said Officers could provide a briefing to any new member on closed, restricted or managed areas within the District.

Four Year Report. The MACAA requires Defra to prepare a 4 year report on the conduct and operation of all IFCAs. There has been a delay in publication of this which is now not expected until the New Year.

Association of IFCA. Meetings of AIFCA were held on 23<sup>rd</sup> September and 3<sup>rd</sup> December which he and the Chairman had attended. Items discussed included the report of the Chief Executive of AIFCA, and a presentation from Defra on EMS work. IFCAs as a group have taken legal advice on the meaning of Article 6 of the Habitats Directive which relates to all the EMS work that Defra are asking IFCA to do. The advice to AIFCA is confidential at present but members will be kept up to date. In response to a question from Mr Darbyshire as to what the IFCA will do as a result of that advice, Dr Atkins said it is general legal advice and not addressed to any specific issue at present. If it affects any way in which the IFCAs deliver the work Defra is asking of them the advice will be made public.

Byelaw Progress. The Chief Executive reported that no further progress has been made to the byelaw review. He drew attention to the Byelaw 3 waiting list and procedure for issuing new permits. Members' approval of the procedure for dealing with the waiting list is sought.

Fracking. Ms Leadbeater has written to Lancashire County Council outlining members' concerns about the possible impacts of fracking on the marine impact. Their response is awaited.

Boughton Estate claim of fishing rights on Morecambe Bay. Legal advice has been sought but no response has yet been received. Mr Thompson said he had prepared a statement which gave some background and outlined the situation from his point of view and asked members' permission to read this, which was agreed.

Following Mr Thompson's statement the Chairman asked members if they had any comments. Members asked for a copy of the report which Mr Thompson agreed to provide. The report is available from the Clerk.

The Chairman suggested the matter should be referred to the Chairman's Sub-Committee for further discussion. Dr Atkins said IFCA has a clear duty under MACAA to apply its byelaws across the whole area until evidence a fishery right is in place is received. Dr Atkins pointed out that the IFCA encourages Mr Thompson's operation and is in no way against it but there is no evidence that the area is not part of the public fishery.

Underwater Survey Equipment. A list of the equipment received is given in Annex C of the report. Officers will be given training in the use of the equipment to be used from the patrol vessel.

#### RESOLVED

1. The report be received.
2. Further discussion on the Boughton Estate claim of fishing rights in Morecambe Bay be referred to the Chairman's Sub-Committee.
3. The procedure for dealing with the waiting list for Byelaw 3 permits be approved.

#### 275 REPORT ON TSB MEETING HELD ON 31<sup>ST</sup> OCTOBER 2014 (Agenda Item 9)

The Chairman of the Sub-Committee, Mr Graham, presented a verbal report. Members had been provided with a copy of the minutes for information.

Presentation on Salmon Stocks within the District by Mr Bedworth of EA. EA were trying to identify the reason for a 10 year decline in stocks and a number of rivers with extremely prominent fisheries within the North West area were suffering. A joint approach with EA was suggested where IFCOs would take a proactive role at looking at rivers.

Morecambe Bay Seed Mussel Fisheries. In September the Senior Scientist had asked TSB members for their views on a request by seed mussel operators to dredge an area in north Morecambe Bay which Byelaw 3 permit holders considered to be intertidal. A special meeting of the TSB held on 13<sup>th</sup> October agreed to authorise mussel dredging in the area requested. Following that meeting a number of complaints were received from the hand gathering industry. A meeting involving both sectors was arranged for 30<sup>th</sup> October but only the Byelaw 3 representatives were able to attend. Implementation of a Mussel Management Group was proposed at the TSB meeting on 31<sup>st</sup> October in an attempt to improve management of the fishery. A meeting was subsequently held with both seed mussel operators and Byelaw 3 permit holders and a compromise reached for a line to be drawn across Morecambe Bay restricting dredgers from sensitive areas considered to be accessible to hand gatherers.

Following a comment from Mr Manning that the hand gatherers had not agreed to any lines being drawn and had sent letters of complaint following that meeting, the Chairman and Mr Graham both said their understanding of the meeting was that a way forward had been agreed and all parties had left the meeting amicably. No complaints about the meeting had been received. Mr Manning said he had been informed that the meeting had not come to an amicable agreement and the matter has caused massive distress to fishermen and their families. The Chairman said that the decision taken by members had been made on the information available to them. Mr Lumb said the IFCA and the TSB wished to work with both sectors to minimise conflict and agree access which meets the requirements of both sectors. There is a practical suggestion of the proposed Mussel Management Group and implementation of that group should be progressed as quickly as possible.

Mr Jones asked about progress with the PhD proposal with Lancaster University. Ms Knott said the project to study and model the ephemeral mussel beds in Morecambe Bay has been declined by NERC. The University has been asked to consider the project for faculty funding as it is considered to be a very important piece of research. Ms Knott suggested the proposed Mussel Management Group could be asked to look at management of fisheries, knowledge gaps and possible funding opportunities.

#### RESOLVED

The report be received.

#### 276 SCIENCE REPORT (Agenda Item 10)

The Senior Scientist reported on work carried out by the Science Team during the quarter, much of which had been taken up with the seed mussel fisheries in Morecambe Bay and also the review of fisheries management in EMS sites.

##### Survey and Fisheries Work

Cockle and Mussel Fisheries in the NWIFCA District. Ms Knott reported that cockle and mussel stocks in the southern part of the District are depleted. The Leasowe and Ribble beds have no commercial stocks and there is no sign of a significant spat settlement to indicate the possibility of a likely fishery there next year. A survey of the cockle stocks in the Dee carried out by NRW in September, at which Ms Temple was present, showed sufficient stocks for gathering to continue this season. The Dee is managed by the NRW under the Dee Cockle Order. Officers are looking to develop and progress cross border working with both Wales and Scotland.

Heysham Flat Seed Mussels. A large stock of seed mussels remain and following consultation with NE an extension has been authorised until the end of February 2015.

Foulney Mussels. Following requests from industry to authorise removal of undersize mussel which becomes stunted once they reach a certain size a HRA was carried out and NE advice is awaited. Officers are looking at specific tides on which to open the bed rather than physically zoning the area. The proposals will be discussed further with industry.

Duddon Estuary Mussels. Fishing continues. Issues around access have been discussed at multi-agency meetings. Officers have concerns about anti-social behaviour from some hand gatherers relating to toileting and waste disposal. Ms Knott is seeking members' approval to produce leaflets to hand out to gatherers, translated into their own language.

Solway Firth. Survey work earlier in the year on a large area in the Solway known as Middle Bank found cockles can only be accessed by boat. The area was authorised for suction dredging in the past under Cumbria SFC byelaws. The fishery is in an EMS and a HRA would be required. Further work on that will be carried out in 2015. The Science Team will be looking into concerns around the impact of suction dredging and it is hoped this will also help NWIFCA to develop relationships with Marine Scotland around the cockle fisheries in the Solway. Meetings have been held with representatives from both Marine Scotland and Welsh Government to discuss a joined up approach to cockle management throughout the whole of the west coast.

Mr Graham said that the Beckfoot bed in the Solway is easily accessible and measures to control effort might need to be considered as the Solway is not covered by the Authority's Byelaw 3.

Assessment of Fishing Activities in EMS. Good progress is being made. There are many European Sites within the District and some of these have a non-marine element to them.

Officers are looking at preparing full HRAs of fishing activities assessing potential impacts on all conservation features not just the marine features.

Bass Management Measures: Update on Defra approach. The EC is proposing a measure to limit bass catches of recreational anglers on charter boats. No mention is made of shore angling. Ms Knott referred to the update from Defra at Annex A recommending a 2 fish daily bag limit and clarification that the limit will not apply to shore based anglers. The issue of MLS for bass has been discussed for many years and the angling community are supportive of an increase in size. Members will be kept informed of developments with the bass management.

Drift Netting Ban Proposals. Ms Knott reported that the EC are also talking about introducing a blanket ban of all drift net fisheries in EU waters. Officers feel that approach is disproportionate for the fisheries in the NWIFCA District. Drift netting for the under 10m fleet can bring in a significant part of the income for the year.

Biosecurity Plan. The Biosecurity Plan has been finalised, published on the NWIFCA website and widely circulated. Ms Temple has produced a poster which IFCOs will place in strategic positions about the 'Check, Clean and Dry' campaign to inform all those using the marine environment to try and minimise the risk of introducing and spreading non-native species and disease. Mr Jones said the Menai Strait fishery has a code of good practice which he will send to Ms Temple for inclusion in the Plan. Mr Thompson voiced concerns that as a major stakeholder he was not consulted on this. The Chairman said his concerns have been noted.

North West Coast Connections – National Grid proposal for a tunnel under Morecambe Bay. Ms Knott reported that members' concerns about the potential for electromagnetic fields from the cabling in the tunnel to affect migratory fish had been discussed with NG Engineers who do not expect the residual EMF from the tunnel to have any effect on the fish. Mr Thompson said his main concern is not with the cable itself or the tunnel but that the tunnel will need ventilation shafts and he suggested the number of these will depend on the length of the tunnel. Ms Knott said she understood either 1 or 3 shafts would be required and officers' main concern is the positioning of these should the tunnel proposal be taken forward. She felt NG needs to talk to fishermen at the earliest opportunity because of potential problems with navigation to and from the fishing grounds. Members will be kept informed on this.

Ms Knott referred to the North West Energy Squared project to build tidal barrages across every estuary. A number of other projects on the potential for energy generation are looming across the North West. The Chairman said tidal power could be the way forward if it works properly and does not damage the environment.

Use of Limestone in Sea Defences – Project with Blackpool and the Fylde College and Wyre Borough Council. Following concerns by Mr Crawford regarding access Ms Knott said she has spoken to the Engineers and IFCO S. Brown regarding this. Public access to the construction area needs to be restricted for safety reasons. This is a major piece of construction and an offer of an alternative access has been made to the few fishermen needing this.

With respect to European sites work, Dr Baxter said Officers have highlighted some gear feature interactions. She asked Ms Knott to indicate whether those are priorities. Ms Knott said there are few high risk ambers in the NWIFCA District, cockle and mussel fisheries being the ones officers are aware of. Work will progress steadily and priorities may change in terms of workload depending on data availability.

Cefas Fisheries Science Partnership Project – testing an electro dredge in the NWIFCA District. Mr Jones said the operators are still very keen to continue with this project and will be submitting proposals which hopefully will be agreeable to NWIFCA.



RESOLVED

The report be received.

There being no further business the Chairman wished members the compliments of the season and closed the meeting at 1350 hours.