

PRESENT – MEMBERS

T. R. Glover (Chairman)	Sefton Council
J. Butler	MMO appointee (Shellfish sector)
M. Byram	Cheshire West and Chester Council
J. A. Clark	MMO appointee (Marine Science)
B. Crawford	MMO appointee (Anglers and Recreation)
C. Frid	MMO appointee (Marine Science)
D. Grunshaw	MMO appointee (Shellfish aquaculture)
T. Jones	MMO appointee (Shellfish sector)
C. Lumb	Natural England (Officer)
T. McInerney	Halton Borough Council
M. R. Owen	MMO appointee (Fishing industry – North West)
N. Robinson	MMO (Officer)
A. C. Ross	Cumbria County Council
A. Thornton	Lancashire County Council
P. Williams	MMO appointee (Recreation)
C. J. Woods	MMO appointee (Fishing Industry – North West)

OFFICERS

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

IN ATTENDANCE

L. Humphries	MMO (Acting Director of Operations and Compliance)
C. Reed	RSPB
A. Milroy	Lancashire County Council
D. Thompson	MMO (IFCA Byelaws Officer)
J. Staples	Liverpool City Council
C. Platt	Fylde Borough Council

Apologies

T. Beaumont	Liverpool City Council
D. Clarke	MMO appointee
W. Darbyshire	Environment Agency
R. Graham	MMO appointee (Fishing Industry – Cumbria)
S. Leadbetter	Lancashire County Council
A. Maltby	MMO appointee (Fisheries Management)
A. J. Markley	Cumbria County Council
S. Benson	Lancashire County Council

80 CHAIRMAN'S ANNOUNCEMENTS

1. The Chairman announced apologies for absence and welcomed visitors.
2. The Science Plan 2011-12 (Agenda Item 9) and Notice from MMO regarding application for vacant appointee positions in North Western IFCA had been tabled.

3. The Chairman announced that Mr Bob Houghton, Scientific and Environmental Officer, had left the service of NWIFCA on 15th March 2012. A replacement for Mr Houghton would be appointed as soon as possible

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

Agenda Item 10. NWIFCA Byelaw 3: Cockle and Mussel Management. Mrs J. Butler, Mrs M. R. Owen, Mr C. J. Woods
Agenda Item 12. Annual Ecological Survey of the Cumbria Coast 2011. Prof C. Frid.

82 TO RECEIVE MINUTES OF NWIFCA MEETING HELD ON 6TH DECEMBER 2011

RESOLVED. The minutes of NWIFCA meeting held on 6th December 2011 be approved and signed as a correct record.

83 MATTERS ARISING

1. Preesall Gas Storage

In response to a query from Dr Clark as to whether IFCA had an agreement in writing with Natural England and Environment Agency about monitoring of the proposed storage discharged by Halite, Ms Knott informed Members that Officers had a letter from the EA. She agreed to send Dr Clark a copy of the letter and to contact both EA and NE to find out why there had been miscommunication over this matter.

2. Ribble Cockle Fishery

The Chief Executive updated Members on the situation with the Ribble cockle fishery. The fishery had been closed under an emergency byelaw in November. Stocks at present were low and generally of poor quality. Two attempts had been made to survey the Foulnaze bed but without success due to adverse weather conditions. The intertidal Southport beds had been surveyed from the shore. Stocks were low apart from a few patches where it was felt they may be of commercial levels. Overall Officers considered there was no justification for opening those beds in the near future and the beds were likely to stay closed until the start of the season in September.

Mr Woods said his only concern was the assumption about when the spat would appear in the District. Some parts of the District would spat earlier than others and only a broad scale assumption could be made of the situation. Spat would be found at any time during the breeding cycle of the cockle and there would always be a problem with spat when identifying that as one of the reasons for opening and closing beds.

3. Dee Mussel Fishery

Mr Jones said a request had come from the Environment Agency that all fishermen in the Dee, on the Welsh side as well as the English, should be fully consulted on any proposals for fishing within the District. The fisheries in the Dee had been prosecuted by both English and Welsh fishermen and it was felt that the Dee should be regarded as a unit of the whole. Dr Atkins assured Members that it would be the intention to consult with permit holders en masse rather than with particular groups.

84 REPORTS ON MEETING OF TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE
HELD ON 17 FEBRUARY 2012

Prof Frid presented the report on the meeting of the TSB Sub-Committee held on 17th February 2012. Issues discussed included the proposed new Byelaw 3, a proposed byelaw for the Heysham Bass Nursery Area, a trial fishery for clam and razor fish, Dee mussel fishery and Ribble cockle fishery. Consultation on the Preesall Gas Storage and the Sustainable Fisheries Review had also been discussed.

With respect to the proposed clam and razor fishery trial, Ms Ake informed Members that she had met with the operators and conveyed to them the comments from the sub-committee. The operators were now formulating their methodology plans for the IFCA and NE to consider in order to further develop those plans.

RESOLVED: The report be received.

85 FINANCIAL REPORT

The Finance Officer introduced the financial report for the period to 29th February 2012. Members were informed that expenditure was well within budget. The Finance Sub-Committee had met earlier that morning to discuss the budget and had been informed it was likely there would be a surplus at the end of the year. The sub-committee had agreed that any surplus would be put aside towards funding the replacement of the patrol vessel. The Annual Risk Assessment shown at Annex B and Effectiveness of the Internal Audit given at Annex C needed to be reviewed and approved annually by the Authority and a minute recording that approval was required for the audit for the year ending 31 March 2012.

RESOLVED

1. The report be received.
2. The Risk Assessment having been reviewed be approved.
3. The Effectiveness of Internal Audit having been reviewed be approved.

86 ENFORCEMENT DIRECTOR'S REPORT: NOVEMBER 2011 TO JANUARY 2012

The Enforcement Director reported on fisheries of the District for the period 1st November 2011 to 31st January 2012. Fishing offshore had been severely curtailed due to bad weather and it had proved to be a very distressing period for many of the offshore fishermen, the weather affecting all methods of fishing. The Ribble cockle fishery had been closed since 7th November 2011 and the mussel fishery had been at a virtual standstill. With respect to enforcement four case files had been prepared and passed to the Authority's solicitors for cockle fishing offences and two further offences had been observed since the report was prepared. For the most part the fisheries had been quiet both onshore and offshore. Mr Dobson reported that the fisheries local action group (FLAG) for North West Cumbria had been successful in being awarded £1.35M towards implementing a wide range of fisheries projects in the North West of the District.

Mrs Owen said she was pleased to see the reference in the report to the closure of the mussel beds in the South Morecambe Bay area in November due to the release of untreated waste into the sea at Middleton Sands by United Utilities. The pollution had resulted in all molluscan shellfish beds in Morecambe Bay being closed under the food hygiene regulations. The incident had affected a traditional winter fishery for the local fishermen and had prevented them earning their living.

RESOLVED. The report be received.

87 SCIENCE AND ENVIRONMENT: NOVEMBER 2011 TO JANUARY 2012

Ms Ake presented the Science and Environment Report which covered the period between November 2011 to January 2012 but did not include activities in the six weeks leading up to the meeting. Officers had experienced difficulty in carrying out surveys due to bad weather and poor light. The Foulmaze bed had been surveyed in November and the results of that survey had been presented at a previous NWIFCA meeting. A visual survey of the West Kirby mussel bed had been carried out in December and a Chinese Mitten Crab survey of the area had been carried out in January. Other project work which was ongoing in most cases included the Sea Angling 2012 project. Surveys for that project had commenced and a Communications and Science Officer had been appointed who would carry on the surveys and continue with the project to the end of 2012. Ms Ake reported that she had attended two meetings of FLOWW during the last quarter. During the last few weeks Officers had started survey work on cockle beds in various parts of the District and those surveys would continue along with continuing project work and furthering the science plan, which would be discussed later on the Agenda.

In response to a question from the Chairman on whether any further progress had been made on the Liverpool Bay razor fishery, Ms Ake reported that some progress had been made and a further report on the razor fishery would be presented at an appropriate time.

Dr Clark asked whether the Communities of Practice (CoP) web forum had now finished. Ms Ake said it was still in the transition stage but understood that the CoP body had transferred everything over to that Knowledge Hub. Any members already signed up to the CoP web forum should have received information to say it was in the transition stage along with instructions on how to access the Knowledge Hub.

Councillor Byram raised a query about wind farms and asked if there was any detriment to the environment with regard to the foundations to the turbines or cable laying. Ms Ake said there was a lot of documentation on that subject which she could collate.

RESOLVED. The report be received.

88 ANNUAL PLAN 2012-13

In presenting the report the Chief Executive said the Annual Plan was one of the high level objectives set by Defra. The Plan which had been on the IFCA website all last year had been upgraded and updated to show progress with key tables on the work IFCA was doing. The Plan was an important mechanism by which the IFCA was held publicly accountable and it would also be used to inform the 4 yearly review that the Secretary of State must undertake. The Plan had been drafted in line with Defra guidance and once the text had been agreed it would be placed on the website and progress on the Plan reviewed at intervals during the year. Last year the Plan had been linked to MoU with MMO, NE, EA and Cefas and it endeavoured to include all the key objectives that those organisations wished the IFCA to undertake. Dr Atkins took Members through the Annual Plan table, which was still to be completed in detail. The tabled Science Plan reported on science work carried out during 2011-12 and included a table listing the work scheduled for 2012-13. Members were asked to provide any comments on the Annual Plans by the middle of April. Prof Frid suggested that the same items could appear in a number of places as appropriate. One omission under success criterion 2 was the lack of reference to the Sustainable Fisheries Review which he felt was the evidence base that in part should underpin the byelaw review. Prof Frid suggested duplicating the entry into success criterion 2 rather than removing it from 6.

RESOLVED

1. The report be received.
2. Members provide comment on the draft by Friday, 13th April 2012.
3. Following amendments an Annual Plan be approved at the June 2012 meeting.
4. The Science Plan be approved at the June 2012 meeting.
5. The Annual Plan and Science Plan be maintained on the website as working documents, which would be reviewed and updated to meet changing events.

89 NWIFCA BYELAW 3: COCKLE AND MUSSEL MANAGEMENT

In presenting the report the Chief Executive said he was looking for broad approval of the text of the proposed new Byelaw 3 and the aim would be to try to get it to MMO legal advisers as soon as possible for scrutiny. A Regulatory Impact Assessment would require to be completed which was a substantial document. If the byelaw was to be in place for the start of the season in September it would need to be made at the June meeting of the Authority, a period of public consultation would follow and any concerns and objections would need to be resolved. The byelaw would apply to all the NWIFCA District. Issues to be resolved included the seasonal closure, minimum landing size, charging for permits and apprenticeship scheme. The MLS for cockles was straightforward but the Dee had a MLS for mussels of 57mm and there had been a strong submission from some of the fishermen on the Dee to retain that size. The new byelaw proposed a charge of £500 for permits and although most of the comments on the proposed charge had been positive some adverse comments had also been received.

Mr Crawford asked for clarification on the section relating to use of boats. His understanding was that the user of a boat would need to have serviceable lifejackets but no mention was made of anyone else being carried on the boat requiring safety equipment. He felt that the paragraph could be misunderstood. Dr Atkins said it was the intention that anyone using a boat in the prosecution of a fishery should have the necessary safety equipment. Mr Crawford further queried section 15—19, paragraph 7 penultimate sentence referring to exploitable fisheries and suggested adding the words “that in some years” after “The NWIFCA recognises” and this was agreed.

Mr Woods objected to the byelaw as presently worded on the grounds that it was both prejudiced and biased to certain sectors of the fishing community. He asked for his objection to be recorded. Mr Woods said his allegation was based on the fact that no provision had been made for the full time fishermen who worked in the Dee Estuary and who did not have permits to work in other parts of the District. He had put that point to the TSB Sub-Committee meeting held on 9th January where his point had been acknowledged. He understood the situation had been resolved but noted that it had been removed from the draft byelaw submitted to the February meeting of the sub-committee. It was agreed that provision should be added in the byelaw for Dee fishers to be eligible for permits under the new scheme.

Mr Lumb said he understood that discussions were ongoing as to whether byelaws would need to be assessed under the Habitats regulations. He suggested it would be useful for the IFCA to have carried out further work on the seasonal closure both to inform its own byelaw and also in terms of making sure it complied with those regulations and also recognising that there were a range of issues that needed to be taken into account. Comments had been received from RSPB and others in relation to bird interest and in particular to look at what evidence had been used in the Dee Regulating Order and South Wales fisheries to inform their decisions on seasonal closure. Mr Brown drew attention to

paragraph 10 of the proposed byelaw with regard to the closed season. He pointed out that because of new boundaries and a much bigger area the Authority must be prepared as a management body to accept there would be different timings, in different fisheries. The wording of the paragraph stating “without the written consent of the NWIFCA” gave it the intent to give flexibility to manage the fishery properly.

Dr Atkins said the intention would be for a full public formal consultation to take place. All permit holders would be fully consulted to make sure they were aware of the proposals. With regard to charging for permits no objections to a charge had been received and many fishermen thought that charging for permits would help to better regulate the fishery. It was not clear whether byelaws were plans and projects under the Habitats regulations but if Government changed policy and byelaws needed to be assessed under those regulations the Authority would be duty bound to consider all its byelaws under the Habitats regulations in the same way.

Members discussed issues of concern including the numbers of permits proposed. Mrs Owen felt 500 people were too many and that applicants should be required to provide evidence that they were bona fide fishermen by submitting tax returns. Dr Atkins said that point was being considered. On 9th March he had met with Andrew Miller MP who had offered to provide advice on that point which would be followed up. Dr Atkins raised concerns about how the Authority should deal with the 450 people currently holding permits and 150 applicants on the waiting list who had all paid for their training courses. All those people had a legitimate expectation for a permit. He felt the Authority could not require those people to submit evidence of fishing that they had not been asked for before and only new applicants could be asked to provide tax records. The Chairman said that point would be looked into and examined more fully before the Authority was asked to approve the new byelaw.

Ms Claire Platt, Fylde Borough Council, said she had been working with IFCA and other partner agencies over the Ribble cockle fishery over the past few months. The current Byelaw 5 was difficult to enforce and there was a real concern that the delay in the process of getting a new byelaw in place by September potentially placed the council under risk of reopening the fishery in September but with the same byelaw in place as at present. She thought that would be detrimental and unacceptable to the other partner agencies. Dr Atkins said he was aware of the concerns of Fylde and Sefton councils about the problems experienced with the fishery last year.

Prof Frid said that the way the Authority was formulated it did not currently have the mechanism to control fishing effort and suggested a licensing regime was needed that would allow the Authority to control effort. He felt that an effort control regime where effort was focused on traditional fishing community would meet Members’ concerns and provide much more effective control to the Authority to discharge its responsibilities.

Dr Clark suggested it was inappropriate for the TSB Sub-Committee to make a decision about effort control in isolation from the main Committee and asked for a firm resolution from Members to highlight the issues that should be referred back to the TSB for consideration. Dr Clark asked if there should be stronger direction from Members on limiting effort and put forward a proposal on whether effort should be limited to the 500 proposed in the byelaw or if it needed to be further reduced. The proposal was seconded by Mrs Owen and following a vote of 13 for and none against the proposal was carried.

Dr Atkins said he supported the comments on effort control and felt the Authority should be moving towards a licensing regime. He suggested that introducing a Regulating Order for the whole District would seem to be an option to be considered.

Councillor Byram proposed that Members should vote on Dr Atkins' suggestion and this was seconded by Mr Jones. Following a vote of 13 for and none against the proposal was carried.

The Chairman brought the discussion to a close by asking Members if they were happy to receive the report following approval of the two proposals.

RESOLVED

1. The report be received.
2. The proposed byelaw be amended taking into account members' comments and submitted to the June meeting of the Authority to be made.
3. All existing permit holders be fully consulted on the proposals.
4. The option of a Regulating Order covering the whole of the NWIFCA District be investigated.

90 NWIFCA COMPLIANCE AND ENFORCEMENT STRATEGY

The Chief Executive reported that elements of the strategy had been in place throughout the year and those elements had now been brought together in a single document. Fishery Officers had all had an opportunity to comment on the strategy which consisted of several parts. It followed fairly closely the model provided by MMO in their Compliance and Enforcement Strategy but had been edited to suit the particular requirements of the IFCA. Members' approval of the strategy was sought, after which it would be put on the NWIFCA website.

RESOLVED

1. The report be received.
2. The strategy be approved and published on the NWIFCA website.

91 ANNUAL ECOLOGICAL SURVEY OF THE CUMBRIAN COAST 2011

The Enforcement Director reported that the annual ecological survey of the Cumbrian coastline for 2011 had been completed. The consultant, Dr Lancaster had been asked to consider extending the survey further south and although she was keen to do that she did not consider that the Lancashire coast had enough rocky foreshore ecology areas. Members were asked to consider whether Dr Lancaster should be asked to continue with the survey in 2012.

Mr Crawford felt the survey was very valuable and that the surveys could be continued. He informed Members that a presentation had been given at the National Grid meeting the previous Tuesday on the new nuclear power station at Moorside. The three reactors proposed would discharge heated water into the area off North Sellafield, directly where the survey would be taking place. Mr Crawford felt the activity would have a detrimental effect on the flora and fauna of the coastline.

Mrs Owen said Heysham skears were interesting and asked if the consultant had looked at that area. She felt it would be useful for the *Sabellaria* beds there to be recorded. Ms Knot said that she had worked with Wildlife Trusts last summer in carrying out an extensive survey of the *Sabellaria* beds at Heysham and information and photographs had been obtained. Officers would hope to continue that work.

Prof Frid suggested that the report was good in terms of describing the survey but drew only very limited conclusions. Both the Enforcement Officer's reports and Science Report made the point it was a time series. Prof Frid suggested the Authority use the external consultants in the most cost effective way of gathering the data and that its own Science team be charged with carrying out formal analysis of the dataset rather than what it is at the moment which was observation and descriptive.

Dr Clark pointed out that as part of the Sustainable Fisheries Review discussions the TSB Sub-Committee had decided it should be looking at individual fisheries and evaluating them and delineating them. She suggested that it would be a good idea for the review of fisheries to be completed before asking questions of the data available on those particular areas of the shoreline bearing in mind the resource implications.

Mr Lumb said there were other organisations such as EA and NE that were collecting data. EA had aerial photographs of the whole coast taken very recently at low water. There was a huge dataset that IFCA should have access to. He felt there needed to be a collaborative effort in terms of identifying what the key data requirements were and who was best place to collect that data and make sure it was shared.

Dr Clark suggested that it should be included as a standing item at TSB Sub-Committee meetings. The discussion on the survey last year decided that it would be irresponsible to discontinue it until the Authority had an idea of what it wanted to see put in its place.

Members agreed that the surveys should be continued and it was

RESOLVED

1. The report be received.
2. Dr Lancaster be asked to continue with the annual ecological survey of the Cumbrian coast in 2012.
3. The matter be included as a standing item on the TSB Sub-Committee agenda in future.

92 CONSULTATION ON THE EUROPEAN MARITIME AND FISHERIES FUND (EMFF)

The Chief Executive presented the report informing Members of funding opportunities for fisheries and management projects in the future. The proposals did not contain provision for enforcement and the European Commission had removed all funding for provision of vessels or enforcement resources. Much of the IFCA's work was forced upon it by European legislation both in the environmental and in the fisheries field through regulations such as the Habitats and Birds Directives and CFP. It was suggested the response should include those points. One other matter that could be more strongly emphasised was the sustainable use of fisheries and the review of sustainability the IFCA had to carry out for all its fisheries and it was not clear whether funding from Europe would be available for that kind of work. Members' views and comments on the EMFF proposals would be welcomed in order to formulate a response to Defra by the deadline of 18th April 2012.

RESOLVED

1. The report be received.
2. Members' comments on the consultation be received by early April in order for Officers to formulate a response to Defra by the due date.

1. The Chairman welcomed Liz Humphries, Acting Director of Operations and Compliance, MMO. Ms Humphries outlined her work at the MMO and said she had a wide ranging portfolio which covered a number of different issues relating to the work of IFCA's. She had responsibility for the coastal teams which included the team specifically working on IFCA byelaws and related matters. The coastal staff placed a high priority in working closely with IFCA officers all around the coast, joint working for the common goals and helping IFCA's to achieve their objectives. In relation to byelaws and the byelaw review mentioned earlier, the MMO had a good team working with IFCA's all around the country to help with that challenging and important task which needed to be done as soon as possible. There were many things that could be learned from each other and the MMO were bringing people together in various ways to talk about common matters, to make sure all were sharing the same information, were learning from each other and helping each other. Ms Humphries said it was important for the MMO to spend time with IFCA's in different ways and she very much appreciated the opportunity to attend today's meeting.

The Chairman thanked Ms Humphries for attending.

2. The Chairman announced some of the local authority representatives would be standing for re-election in the elections to be held in May this year. He thanked all representatives for their support.

There being no further business the Chairman thanked Members for attending and declared the meeting closed at 1250 hours.