

31 AT THE ANNUAL MEETING OF THE NORTH WESTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY held at Copeland Borough Council offices, Whitehaven on Tuesday, 17th May 2011

PRESENT – MEMBERS

J. Butler	MMO appointee (Shellfish sector)
M. Byram	Cheshire West and Chester Council
J. A. Clark	MMO appointee (Marine Science)
D. Clarke	MMO appointee (Fishing industry - Cumbria)
B. Crawford	MMO appointee (Anglers and Recreation)
C. Frid	MMO appointee (Marine Science)
T. R. Glover	Sefton Council
R. Graham	MMO appointee (Fishing Industry - Cumbria)
M. Hawkins	MMO appointee (Marine industry)
S. Leadbetter	Lancashire County Council
C. Lumb	Natural England
A. Maltby	MMO appointee (Fisheries Management)
A. J. Markley	Cumbria County Council
T. McInerney	Halton Borough Council
M. R. Owen	MMO appointee (Fishing industry - North West)
A. C. Ross	Cumbria County Council
A. Thornton	Lancashire County Council
C. J. Woods	MMO appointee (Fishing industry - North West)

OFFICERS

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

IN ATTENDANCE

N. Robinson	Marine Management Organisation
A. Newlands	Marine Management Organisation
R. Beresford	Wirral Council
P. Soaks	Liverpool City Council

VISITORS

C. Nicholson	N.W. Wildlife Trust
T. Owen	Fisherman
N. Taylor	Cumbria Wildlife Trust
J. Haines	Cumbria Wildlife Trust

Apologies

W. Darbyshire	Environment Agency
G. Ford-Keyte	Marine Management Organisation
T. Jones	MMO appointee (Shellfish sector)
R. F. Langley	MMO appointee (Fishing Industry – North West)
Y. Yadi	MMO appointee (Marine and Recreation)

- 32 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST IN AGENDA ITEMS
- Agenda Item 6. Report on meeting of Technical, Science and Byelaw Sub-Committee. Mrs M. R. Owen.
Agenda Item 7. Byelaw 5: Permit to fish for Cockles and Mussels. Mrs M. R. Owen, Mr C. J. Woods.
Agenda Item 11. Proposed Morecambe Bay Hybrid Fishery Order. Mrs M. R. Owen, Mr C. J. Woods.
- 33 APPOINTMENT OF CHAIRMAN
- The Chief Executive invited nominations. Councillor T. R. Glover was proposed by Mrs M. R. Owen and seconded by Councillor A. J. Markley.
- RESOLVED
- Councillor T. R. Glover be appointed Chairman of the NWIFCA until the Annual Meeting 2012.
- 34 CHAIRMAN'S ANNOUNCEMENTS
1. The Chairman announced apologies for absence and welcomed Members.
 2. Amendment to the minutes of the Technical, Science and Byelaws Sub-Committee to include Mr R. F. Langley in the list of those present and Mr B. Crawford as MMO Anglers and Recreation.
 3. Mr D. Knowles was not re-elected to Wirral Council in the recent Council elections. His replacement will be appointed shortly.
 4. The Memorandum of Understanding between NWIFCA and Natural England had been tabled.
- 35 APPOINTMENT OF VICE-CHAIRMAN
- Councillor A. J. Markley was proposed by Councillor T. R. Glover and seconded by Councillor A. C. Ross.
- RESOLVED
- Councillor A. J. Markley be appointed Vice-Chairman of the NWIFCA until the Annual Meeting 2012.
- 36 TO RECEIVE MINUTES OF THE NWIFCA MEETING HELD ON 8TH FEBRUARY 2011
- RESOLVED
- That the minutes of the NWIFCA meeting held on 8th February 2011 be approved and signed as a correct record.
- 37 MATTERS ARISING
- There were no matters arising.

The report on the first meeting of the Technical, Science and Byelaws Sub-Committee held on 6th April 2011 was presented by its Chairman, Dr J. A. Clark.

Dr Clark took Members through the minutes of the meeting and pointed out the actions arising from that meeting. Items discussed were Terms of Reference, Remit, Membership and Work Programme, NWIFCA Risk Register, Enforcement Framework, Review of Byelaws, Marine Protected Areas and Byelaw 5. Dr Clark asked for the Terms of Reference to be included as an Annex to the minutes.

There had been a long discussion on the Ribble Cockerle Fishery and on the various methods of gathering cockles and the suitability and practicality of those methods. There had not been time to fully discuss or consider the complex issues with this fishery and a working group of the sub-committee would be called to work on plans for the fishery. Mr Woods said that the wording of Minute 6, paragraph v, which stated that boat dredging is probably the least damaging method of fishing was incorrect and not what was agreed. Following a discussion it was agreed to remove that sentence from the minutes.

Mr Lumb said that the last sentence on Action 8 was incorrectly recorded and implied that management groups would be set up for Marine Protected Areas. A decision as to whether a management group is set up for MPAs was likely to be taken by the organisations responsible for the management of those sites. It was agreed that the sentence should be amended from "as they are set up" to "if they are set up".

Mrs Owen said she was disappointed to see in the report on Byelaw 5 that the use of riddles had not been included in the new byelaw and hoped that it could be incorporated into the proposed Morecambe Bay Hybrid Fishery Order. She felt that any guidance sent to permit or licence holders should encourage the use of riddles.

Mr Lumb sought clarification on the membership of the sub-committee. The February meeting of the NWIFCA had agreed a membership of 13 including the Chairman and Vice-Chairman. The Terms of Reference proposed that any Member of the NWIFCA could attend meetings, contribute to discussions and vote on decisions. Members were reminded that the NWIFCA covered different areas of the coast. Agenda items would likely cover different areas of the District and different methods of fishing and it was felt that Members with an interest in those areas, although not formally appointed to the sub-committee, should have the opportunity to make their views known on any proposals relating to their part of the district.

A change of date for the next meeting of the Technical, Science and Byelaws Sub-Committee to 21st June 2011 was proposed and agreed.

The Chairman brought the discussion to a close by asking for Members' approval to the recommendations in the report. Following a vote of 13 for and 1 against it was

RESOLVED

1. The report be received.
2. Following amendments to paragraph 5, Action 8 and paragraph 6 (v) that the minutes of the Technical, Science and Byelaws Sub-Committee meeting held on 6th April 2011 be approved and accepted.
3. The Terms of Reference be approved and included as an Annex to the Minutes.

4. The date of the next Technical, Science and Byelaws Sub-Committee be changed to Tuesday, 21st June 2011.

39 TO MAKE THE NEW BYELAW 5: PERMIT TO FISH FOR COCKLES AND MUSSELS

The Chief Executive presented the report and provided background to the byelaw. Members were reminded that the existing Byelaw 5 would expire on 31st August 2011 and the time-scale for making the byelaw and having it confirmed and implemented by 1st September was very short. The byelaw at Annex A had been drafted with an alteration only to the boundary areas, and no change to the main body of the byelaw had been made.

RESOLVED

1. That the report be received.
2. That Members revoke Byelaw 5 (Permit to fish for Cockles and Mussels made on 12th September 2008 and simultaneously approve and remake the amended Byelaw 5 at Annex A.
3. The byelaw now 'made' is:

BYELAW 5

PERMIT TO FISH FOR COCKLES (*Cerastoderma edule*)
AND MUSSELS (*Mytilus edulis*).

1. This byelaw applies to that part of the North Western Inshore Fisheries and Conservation Authority's area that lies between a line drawn South West (True) from Haverigg Point (54° 11.3' North, 03° 19.0' West) in the County of Cumbria and a line drawn from Hilbre Point (53° 23.22' North, 03° 0 11.98' West) in the Metropolitan Borough of Wirral to the North-Western extremity of Hilbre Island (53° 22.12' North, 03° 13.72' West) thence towards the disused lighthouse at point of Ayr in the County of Flintshire until that line joins the median line adjoining the Territorial Waters of the Principality of Wales.
2. Subject to paragraph 4, no person shall fish for, attempt to fish for, take, attempt to take, remove or attempt to remove, any cockle or mussel from a fishery without having in his possession at the time, a valid permit issued pursuant to this byelaw.
3. No person shall have in their possession any article for the use in the course of or in connection with fishing in contravention of this byelaw or any cockle or mussel taken or removed from a fishery in breach of this byelaw.
4. This byelaw shall not apply to any person who fishes for, takes, or removes less than 5kg of cockles and 5kg of mussels during any calendar day, or in respect of cockles or mussels caught from a licensed fishing vessel registered in the United Kingdom.
5. Application for a permit shall be made using the printed forms available from the Authority, or from the Authority website. Forms will be made available 2 calendar months before the date each permit term begins.
6. The holder of a permit under this Byelaw shall be required to submit to the Authority, 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 Authority may require.

7. A 2011/2012 permit will be valid during the period 1st September 2011 to 31st August 2012 and will be granted to an applicant on production of a 2010/2011 permit.
8. An application for a 2011/2012 permit will be considered after 1st July 2011.
9. A 2012/2013 permit will be valid during the period 1st September 2012 to 31st August 2013 and will be granted to an applicant on production of a 2011/2012 permit.
10. An application for a 2012/2013 permit will be considered after 1st July 2012.
11. A maximum of 40 2011/2012 permits and 40 2012/2013 permits will be issued to applicants who have not previously held a North Western Sea Fisheries Committee/North Western IFCA District-wide Cackle and Mussel Permit, 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, and
 - 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, and
 - c) evidence of the applicant's National Insurance Number, and
 - d) 2 recent passport style photographs of the applicant signed on the back by the applicant, and
 - e) a Foreshore Gatherers Safety Training Certificate.
12. Applications for permits under paragraph 11 will be considered in order of receipt and permits will be issued to the first 40 applicants where eligibility in accordance with this byelaw is established.
13. A permit issued pursuant to this Byelaw is not transferable and does not permit fishing in breach of any other Byelaw or restriction.
14. Failure to produce, on the reasonable demand of an IFCA Officer, a valid permit during any period of fishing for cockles and mussels constitutes a breach of this byelaw.
15. Failure to notify the Authority of any change of name or address during the life of a permit constitutes a breach of this byelaw.
16. This Byelaw shall come into force on 1st September 2011 and expire on the 31st August 2013.

In this byelaw:

"Foreshore Gatherers Safety Training Certificate" means a document issued by a Seafish Industry Group Training Association, certifying the applicant's completion of a safety training course for intertidal shellfishing.

Explanatory note not forming part of the Byelaw: Up to 5kg of cockles and 5kg of mussels per person per day may be taken without a requirement for a permit. It is a breach of this byelaw to fish for more than 5 kg of cockles or 5kg mussels per day, anywhere within the District, without a valid permit. The Byelaw does not apply to persons using a registered commercial fishing vessel. Permits are only valid for a specified period of time, and issued on proof of identity, residency and evidence of having completed the SEAFISH GTA

intertidal safety training course for shellfishing. Provision is made for 40 new entrants to the industry each year. Permits must be carried during all periods of fishing.

40. ENFORCEMENT DIRECTOR'S REPORT

The Enforcement Director provided an overview of the fisheries and fishing activity within the District over the past three months. The weather had settled down from mid-March which allowed a reasonable amount of fishing effort offshore. Trawlers were able to get to sea more regularly and the prawn fishery had started reasonably early. Trawling was the main activity in the south of the new District and "Solway Protector" was able to spend more time in that area. A major concern for fishers offshore is the high fuel costs. At Walney and Barrow reports were received of gear damage caused by wind farm service vessels. Some cockle fishing had been carried out at Leasowe but elsewhere in the District stocks remained very poor. Some mussel fishing had taken place on the north and south sides of Morecambe Bay but there had been no activity in Cumbria. A further concern for the mobile gear fleet was the continuing construction of wind farms at Walney. Member Mr Ron Graham had attended meetings with the wind farm developers. Two wind farms proposed for the Solway and Wigtown have been refused by the Scottish Government.

The Chairman raised a query on the report by the Senior Fishery Officer Central Area on the breakwater at Cleveleys and asked if any further information was available on that development. The Chief Executive reported that limestone, which was toxic to marine life, had been used for the breakwater. Officers had tried to get a copy of the Food and Environmental Protection Act (FEPA) licence to find out what materials had been agreed should be used for the work but without success. It was pointed out that the use of material to be used for the structure should be in the FEPA consent, which may have had conditions attached. It was agreed that Officers should further investigate the matter.

Mr Graham reported on meetings with Dong Energy to discuss possible disturbance payments to fishermen displaced from normal fishing areas. With respect to the report on gear damage caused by wind farm service vessels there was a need to ensure that developers and supply craft stuck to arranged corridors and that fishing gear was kept away from those corridors. E-On had asked for a meeting to discuss the financing of projects to help the fishing communities and was willing to work with industry on corridors.

Dr Clark suggested that the MMO and wind farm developers should be encouraged to be transparent about research carried out on the socio economic impact of wind farms on fisheries and that such research project should document what measures were proposed as a base line for future activity. More evidence was needed from the developers in order to form an opinion and campaign for further research. It was suggested that fishing industry representatives should be asked for their views on whether the construction of wind farms had been detrimental to their fishing activities. Mr Maltby informed Members that the European Fisheries Fund had under-allocated funding available and suggested that the Authority could bid for funding for a research project on wind farms. It was agreed that Mr Maltby and Ms Ake should liaise and discuss funding opportunities.

Councillor Markley informed Members that Cumbria County Council was opposed to wind farms and it was suggested that the NWIFCA should offer support to any local authority within the NWIFCA District known to be objecting to a wind farm development.

In response to a question as to whether any statistics were available on activity, prosecutions and general infringements within the District, Mr Dobson said that such information could be provided in the report in future.

With respect to the report of the Fishery Officer Southern Area on cockle harvesting at Leasowe, Mr Woods pointed out that although the fishery was presently closed under

Byelaw 14 the density was low and a decision would need to be taken on whether the bed should be opened following the closed season.

RESOLVED

1. That the report be received.
2. Officers be directed to further investigate the consent conditions for the material used in the construction of the breakwater at Cleveleys.
3. Mr Maltby and Ms Ake be directed to liaise and discuss funding opportunities with the European Fisheries Fund for a research project on the impact of wind farms on fishing activity.

41 CHIEF OFFICER'S REPORT

The Chief Executive presented the report outlining activity since the February meeting of the Authority and took Members through the various items in the report. Members' comments were sought on the Defra consultation on the Reform of Domestic Fisheries Management Arrangements in England in order to agree a response from the Authority by the deadline of 30th June. Mr Graham provided background to the proposals which were looking mainly at re-allocating under 10m quotas based on individual track records. It was suggested that the Authority should take the opportunity to point out to Defra the problems those changes could cause to North West fishermen. Defra were also considering a similar scheme for shellfish, again based on previous track record. Any comments on the proposals should be sent to the office by 6th June.

Members discussed the consultation on an application by Halite Energy group for an underground Natural Gas facility at Preesall. The North Western SFC had previously made objections to a similar proposal by Canatxx and there were similar concerns about this development. The Halite proposal was presently only at the informal consultation stage and it was felt that Officers should wait for any formal consultation before making a response.

In response to a query on the procedure and criteria used by the Authority in deciding whether to object to a development Dr Atkins informed Members that they would be kept informed of any consultations coming to the attention of Officers and Members would be invited to make comments and views in order to agree a response.

With respect to Marine Conservation Zones Dr Atkins said he was encouraged to report that the Irish Sea Conservation Zone project had taken note of the Authority's comments. No formal sites had been proposed or confirmed as going forward to government for designation. Mr Graham reported that the situation changed at every meeting and certain boundaries in the North West region had been changed again recently. He suggested that an extension of the Authority's jurisdiction out to 12 miles was needed in order for the Authority to discharge its environmental and conservation responsibilities.

Mrs Owen proposed, and it was agreed, that the Authority should support Mr Graham's proposal for an extension out to 12 miles. It was further agreed that the Chief Executive should liaise with Defra on the proposals and that a report outlining the implications on the Authority of an extension to 12 miles should be submitted to the September meeting.

RESOLVED

1. The report be received.

2. The Authority responds to the Defra consultation on modernisation of inshore fisheries
3. The Authority responds to future consultations on proposed MCZ within the District and areas where the Authority may have an enforcement role.
4. A report on the proposed extension of the Authority's jurisdiction out to 12 miles be submitted to the September meeting.
5. The amendment to Standing Orders be approved.

42 SCIENCE REPORT

The Scientific and Environmental Officer reported on work carried out by the Science staff over the last quarter. Mussel surveys had been carried out at Foulney Island and Heysham Flat. At Foulney evidence of a 2011 spatfall was apparent on the south western tip of that bed. A spatfall was also apparent at Heysham Flat but not in the densities seen in recent years and a seed mussel fishery there this year was doubtful. An extensive spatfall had been observed on the South America and Falklands beds. There was some evidence that the previous year class had survived the winter on those beds perhaps as a result of the unusually extended periods of calm winter weather. *(Post meeting note: following survey and industry requests, a seed mussel fishery on South America Skear has been authorised from 20 June to 2 September 2011. 4 permits have been issued to vessels from Morecambe Bay, North Wales (2) and Northern Ireland).*

Surveys had been carried out on the cockle beds at Leasowe and Southport. At Southport the priority was to measure growth rates. No sign of a 2011 spatfall had been observed and further surveys would be carried out over the coming months. At Penfold West stock densities had reduced substantially, due possibly to a combination of a dry period and bird predation. At Leasowe Officers were continuing to look at the effect of the fishery there. Surveys had been carried out to establish the extent of stocks and to look at densities. Members would be kept informed of any possible fishery there.

Monitoring of stocks in Morecambe Bay had continued. Stocks remained very low and there was little likelihood of a fishery there from September. Annual stock surveys would be carried out from July onwards and Officers would provide a report to the September meeting.

Mrs Owen pointed out that Heysham Flat used to be a good size mussel fishery and it seemed to be reverting back to a size fishery rather than a seed mussel one as had been the case over the last few years, which was a good sign for hand gatherers.

Mr Lumb proposed that the Authority should develop a science evidence plan to review evidence on how fisheries are managed. He felt there could be value for the Technical, Science and Byelaw Sub-Committee to engage with the fishing industry and external marine scientific expertise to assist the NWIFCA deliver its sustainable fisheries management responsibilities.

RESOLVED. The report be received.

43 PROPOSED MORECAMBE BAY HYBRID FISHERY ORDER

The Scientific Officer reported on progress with the proposed Morecambe Bay Hybrid Fishery Order. A long consultation process had taken into account the views of many interested parties and it was felt that the issue raised earlier by Mrs Owen regarding the use of riddles may need to be considered for inclusion in the proposed Order. Any income generated from the Order would be dependent on cockle and mussels stocks, which were

highly variable. Members were asked to endorse Officers' actions to progress the Morecambe Bay Fishery Order application with Defra.

Mrs Owen raised concerns about bags used for the landing of cockles and suggested the Order should specify a total weight of 25kg for each bag. She also suggested that the proposed levy for dredging of mussels by boat or mechanical harvesting of cockles would be more equitable if it were to be double or even treble the amount proposed for hand gathering. Mrs Owen further proposed that the levy for anyone taking seed mussels out of the District should be £10 per tonne. *(Post meeting note: Defra consider these proposals could open the Order to legal challenge. The NWIFCA is not permitted to profit from Fishery Order income and the 'out of District' levy could be found to be discriminatory. Pending further discussion at the September meeting Officers propose to submit the application unchanged)*

Mr Woods asked if the bags issued to hand gatherers would be single use only, also if a licence holder breached the terms of the licence whether their licence would be revoked. Members agreed that it should be made clear to licence holders that any breach of the licence conditions could result in the licence being revoked.

RESOLVED

1. The report be received.
2. Officers be directed to progress the application for a Morecambe Bay Hybrid Fishery Order, taking into account Members' comments.

44 FINANCIAL REPORT

The Chief Executive presented the report and advised Members that the Authority had been given special dispensation to approve the North Western SFC Annual Return for 2010-11 and a clear mandate was required that it had been approved and signed by the Chairman. The NWSFC Statement of Accounts for 2010-11 also required Members' approval for issue and signing.

RESOLVED

1. That the financial report be received.
2. That the North Western Sea Fisheries Committee Annual Return for 2010-11 be approved and signed.
3. That the North Western Sea Fisheries Committee Statement of Accounts as at 31st March 2010 be approved for issue and signed.

45 A.O.B.

1. The Memorandum of Understanding with Natural England had been tabled. A meeting of the Association of IFCA's was to be held on 29th June at which it was hoped the MoU would be signed by all IFCA Chairmen and Chief Officers. Any Member with comments or concerns on the MoU should convey those comments to the Chief Executive in writing.
2. The Enforcement Director advised that he would be carrying out a conducted tour of Whitehaven harbour and facilities following the meeting for interested Members.

There being no further business the Chairman thanked Members for attending and declared the meeting closed at 1310 hours.