

NWIFCA Quarterly Meeting

22 March 2013: 10.30.a.m.

AGENDA
ITEM NO.
10

CHIEF EXECUTIVE OFFICER REPORT

Purpose

This report provides updates in a number of policy areas not covered in other reports

Recommendations:

1. The proposed policy towards the Boughton Estate claim of fishery rights is agreed
2. The report be received

Contents

- I) Health and safety policy
- II) Staff changes
- III) Byelaws
- IV) Annual Plan
- V) Association of IFCA
- VI) Boughton Estate claim of private fishery rights in Morecambe Bay

I) Health and Safety policy

1. The policy has been reviewed in March 2013. No changes were found necessary
2. There have been no Health and safety incidents in the past quarter
3. New staff have received and are continuing to receive the package of training to enable them to carry out their duties in accordance with the H&S policy

II) Staff Changes

4. Two IFCOs were appointed in October 2012 and commenced employment with NWIFCA in November. Matthew Burdekin will be based in Carnforth and will mainly provide additional enforcement support to shore based IFCOs throughout the District. Mr. Burdekin will also assist the science group with science and survey work as required.
5. Joe Moulton will be based in Whitehaven once his introductory training is complete. He will support both shore based and 'Solway Protector' based patrols.
6. Andy Deary was appointed Head of Enforcement in October 2012 and commenced employment with NWIFCA in January 2013. Mr. Deary will manage the enforcement resources of the NWIFCA taking over from Mr. Dobson who retired in 2012.
7. Helen Ake resigned in January and finished employment in February 2013 to take a promoted post with Natural England. Thanks are extended to Ms Ake for her 2 years'

service to the NWIFCA and particularly her work to develop the science and GIS expertise of the science group. The post vacated by Ms Ake will be recruited as soon as possible.

8. From 1 April 2013, Ms Mandy Knott will be promoted to Senior Scientist. Ms Knott will have management responsibility for planning and delivery of the science research and survey programme of the NWIFCA.

III) Byelaws

9. The public consultation on the Heysham Bass Nursery area byelaw concluded on 15 March. Ten letters of support were received and 5 letters of concern or objection. Replies to those objecting have been sent and concerns appear to have been resolved. Officers monitored on line polls run by Sea Angling groups. The largest showed 45 in support of the byelaw (82%) and 10 against (18%)
10. The next stage is to report the outcome of the consultation to MMO and request confirmation of the byelaw. Ideally, the byelaw should be enacted by Ministerial sign off before the spring angling season builds up. Additional enforcement patrols will be mounted in the Heysham area when the byelaw comes into force to ensure fishermen understand the byelaw and become familiar with the new restrictions.
11. A draft byelaw to deliver the 'red' component of the Defra EMS work is in preparation and is reported separately. A considerable amount of resource has already been contributed to this work by NWIFCA and it is expected to dictate priority work for science and other officers in 2013-14.
12. A byelaw to prohibit netting in the area around St Bees Head in Cumbria is expected to be required when the Cumbria coast MCZ is designated. Even if the site is not designated, the NWIFCA may still wish to make this byelaw which was a policy objective of the Cumbria SFC prior to merger. NWIFCA Officers consider this byelaw is required to protect cliff nesting seabirds such as black guillemot from the danger of entrapment in nets while feeding particularly during the breeding season.
13. There is no indication that any other byelaws will be required to deliver EMS of MCZ work in 2013-14. Any capacity to develop other byelaws will be used to progress the review of legacy byelaws.

IV) NWIFCA Annual Plan

14. A draft annual plan setting out the priorities and work programme of the NWIFCA is at Annex A. This is for comment and amendment but in the meantime will be put into use immediately and placed on the NWIFCA website.
15. As in previous years, MMO, EA and NE are invited to check that this plan includes all the work they require IFCA to deliver. These bodies are also invited to suggest work which they would like done but which is of lower priority.
16. Any non-controversial comments on the draft annual plan will be incorporated as soon as possible in the on-line version of the plan. Any comments or proposals which officers consider should be discussed by the Authority will be raised at TSB or the next quarterly.

V) Association of IFCA (AIFCA)

17. The next meeting of the AIFCA is on 14 March. A verbal report of the meeting will be provided to the Authority on 22 March. In recent weeks the AIFCA has been heavily involved in negotiating with Defra on behalf of all IFCA the delivery of the EMS work. This is likely to be a priority for some months.

18. In addition the AIFCA has administered the dispersion among all 10 IFCA, of Defra funds amounting to just over £300,000 for the procurement of survey equipment to collect the data required to inform the EMS work. NWIFCA has bid for and been granted approximately £50,000 of those funds and will be procuring side scan sonar and underwater camera equipment in April.
19. On 11 February 2013, AIFCA Directors including the NWIFCA CEO received training on the responsibilities of Directors. Proposals for restructuring the governance of the AIFCA were discussed and the solicitor advising the AIFCA was instructed to draft changes to the Memorandum and Articles of Association. These changes will be discussed on 14 March.
20. At a separate meeting of Directors on 11 February, an AIFCA budget for 2013-14, was agreed. Also the work programme and objectives of the AIFCA CEO were discussed and a draft communication strategy was presented.

VI) Boughton Estate claim of private fishery rights in Morecambe Bay

21. Members have been provided with correspondence and briefing on this matter in recent weeks. The current position is that despite repeated requests, Boughton Estate has continued to fail to provide NWIFCA with evidence of ownership of the fishery and NWIFCA has maintained its previous position of refusing to recognize the claim until such evidence is advanced.
22. The NWIFCA has a duty under the Marine Act 2009 to promote sustainable use of sea fish resources throughout the District whoever owns the land or the fisheries. The 2009 Act explicitly states (clause 158) that byelaws do not require the consent of land or fishery owners in designated areas. The Boughton Estate land is within the Morecambe Bay SAC therefore all existing bylaws which apply throughout the NWIFCA District also apply to land owned by Boughton estate.
23. Members are asked to confirm that they wish NWIFCA to continue the previous and current policy of enforcing all byelaws including Byelaw 3 on land in Morecambe Bay owned by Boughton Estate.
24. Members may also wish to agree that it is grossly irresponsible of Boughton Estate factor Mr. Chris Sparrow, and Directors Mr. Benson, Dr. Andrews and Mr. Namor of the new company Morecambe Bay Shellfish Farms to attempt to restrict access and fishing on Boughton land in advance of establishing ownership of the fisheries on that land. They have created considerable annoyance amongst mussel fishermen in the area and risk provoking breach of the peace and outright violence by issuing threats to limit access using private security firms. NWIFCA requests that Boughton Estate and Morecambe Bay shellfish farms desist from provocative and confrontational actions until the claim of fishery rights has been legally validated. In the event that the claim is validated fishermen should be consulted on any proposed new management of the site which must in all cases comply with NWIFCA byelaws.

**Chief Executive
North Western Inshore Fisheries and Conservation Authority
March 2013**