

# **NWIFCA Quarterly Meeting**

## **20 September 2013: 11.00 a.m.**

**AGENDA**  
**ITEM NO.**  
**11**

### **CHIEF EXECUTIVE OFFICER REPORT**

#### **Purpose**

**This report provides updates and comment on various areas of work.**

#### **Recommendation:**

- 1. The report be received**

#### **Contents**

- I) Current policy environment
- II) EMS work and proposed Byelaw 6.
- III) Other byelaws
- IV) Health and safety policy
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- VI) Working in partnership
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- VIII) Procurement of a replacement main patrol vessel

#### **I) The current policy environment**

1. All the IFCA are finding that this year's work is more than usually driven by national priorities. The Government's focus on improving protection for European Marine Sites (EMS) and the designation of Marine Conservation Zones (MCZ) means that IFCA have had to extensively readjust their 2013-14 work plans. MCZ and EMS have also demanded frequent NWIFCA engagement with national policy development and they have dominated discussions at national level meetings such as the Association of IFCA and the Technical Advisory Group.
2. The EMS work was a new task arising from a legal challenge to the management of Habitats Directive sites. The MCZ are required so that the Government can deliver an international commitment under the OSPAR Convention to have in place in UK seas, an 'ecologically coherent network of marine protected areas' by 2016. Both these programmes are seen as politically important and the marine environment is considered a high priority and popular with the general public.
3. IFCA's are now initiating discussions with Defra over future funding. 2014-15 will be the last year of the so-called 'New burdens funding' under which Defra have provided about 30% of IFCA funding for the first 4 years of operation. Planning is also now underway for the production of the first 4 year report to Parliament on the performance of the IFCA which is due in November 2014.
4. We are now lobbying hard for a commitment from the Government to continue the central funding of IFCA. The importance of IFCA in delivering these 2 key marine priorities gives us a potentially powerful lever. It is difficult to see how the Government could get further protection of EMS or MCZ without the regulatory powers and expertise of the IFCA. It is now too late for this Government to think of changing the broad structures of marine management created by the 2009 Marine Act so it seems reasonable to predict that IFCA's will be in place for a few more years at least. Following a resolution at the last AIFCA, a letter and briefing paper has now gone to Defra as attached at Annex A.

## II) The EMS programme and proposed byelaw 6

5. The Science work in particular has been dominated by the Defra EMS project in recent months. An early conclusion was that data for most of the priority sites in the North West (and for many sites nationally) was inadequate to provide the evidence needed for protection under IFCA byelaw. The extent and location of many potentially sensitive features was found by IFCA and Natural England (NE) to be uncertain, data was often out of date and challenged by users as being inaccurate.
6. These difficulties led to a hurried reappraisal of available data and a lot of new or repeat survey work carried out this year at short notice mostly by NE. This data collection was essential so that IFCAs could put byelaws in place to meet the Defra timescale of having protection for all red risk features in place by the end of 2013. However, new survey led to new data and changing advice from NE and the location and extent of some areas requiring protection under the EMS project was not finalized until the end of August.
7. The new Byelaw before the Authority today is the outcome of all this work by the Science Team and NE in 2013. Earlier versions have been discussed by the Authority and the Technical, Science and Byelaw (TSB) Sub-Committee but the version for approval today has still undergone significant change since the last TSB. The boundaries for a number of the closed areas have been amended in response to new data and further discussion.
8. We must all be aware in making this byelaw that the areas have not been subject to full consultation with users and we may have concerns that prohibitions are based on very recent and un-replicated data which may not give a comprehensive picture of the distribution of some features. The prime example of this is the seagrass beds of Morecambe Bay.
9. The EMS project has had spin-off benefits. It has resulted in the collection of a lot of new data on some of the most interesting sites in the District and it has stimulated a lot of consultation and engagement with users of the marine environment. If at all possible NE should ensure surveys of conservation features are regularly repeated to review and justify the closures in the byelaw. NWIFCA should try and maintain a high level of contact and discussion with stakeholders.
10. Looking forward, the designation of a first tranche of Marine Conservation Zones is expected before the end of 2013 although the identity of the sites has not yet been announced. Therefore the scale and timing of management work which will be required from the NWIFCA cannot yet be estimated. However large the MCZ work turns out to be, it will have to be given priority along with the next stage of the EMS programme which will be assessment of other fishing activities not covered by the red risk byelaw.
11. Both MCZ and EMS are expected to require new regulatory and management measures. Defra have been told that all IFCA's have been working beyond full capacity to deliver the red risk sites this year and will not be able to deliver to any greater extent next year. It may not be possible to deliver management for both MCZ and EMS at the same time.
12. It is also reasonable to question whether there is any good scientific evidence that the additional protection resulting from enhanced EMS regulation or MCZ designation in this District, will in fact result in significant or measurable improvement in the extent or condition of the conservation features targeted. The features identified so far are mussel beds, Honeycomb worm (*Sabellaria*) reefs, miscellaneous unspecified reef communities and biodiversity of mobile sandy seabeds. The species concerned are short lived, highly variable in time and space, highly dependent on seabed sediment movements, and tend to recover quickly after disturbance. None of the areas so far proposed for protection are likely to develop long term stable communities making a significant contribution to the biodiversity of the NWIFCA District. It could be argued that greater benefits could be achieved for marine conservation in the Eastern Irish Sea by concentrating available

resources away from marine protected areas and on reducing pollution and nutrient enrichment of coastal waters from land based activities.

### III) **Other byelaws**

13. The Heysham Bass Nursery area byelaw was signed by Defra and came into force on 7 June 2013. Fishing activity in the Heysham Bass Nursery area has been intensively patrolled throughout the summer and generally compliance has been good. IFCOs undertook an education exercise to inform stakeholders of the new arrangements. A lot of posters were placed in the area and many were subsequently removed and replaced throughout the summer but no fishing offences have been recorded.
14. As reported at the June meeting, work is continuing to prepare a single District wide netting byelaw which will cover all shore based nets. The byelaw will include provision for a permit scheme, limits on the amount of netting which can be set by non-commercial fishermen and a returns scheme so that NWIFCA has a better record of fish caught in the District. A first draft of the netting byelaw was discussed at TSB in May. The Authority will be kept informed of progress and the industry will be consulted on proposals as they are developed.

### IV) **NWIFCA Health and Safety policy**

15. The policy has been reviewed in September 2013. A new section has been drafted to cover transport of staff of partner agencies in NWIFCA vessels. Officers from GLA, Local Authorities, EA, NE occasionally assist with science and enforcement in relation to fisheries. NWIFCA need to be sure and document that and necessary insurance and health and safety practices are in place and that operations comply with MCA coding of RHIB patrol vessels.
16. There have been no Health and Safety incidents in the past quarter
17. All NWIFCA Officers continue to receive training to enable them to carry out their duties in accordance with the H&S policy. A register of training is maintained and is available for inspection by members on request.

### V) **Staff Changes**

18. Mr. Alasdair Lindop left the Authority on 30 August 2013. The half-time role of Communications Officer is being taken by IFCO Joe Moulton who will divide his work programme between communications supervised by the Senior Scientist and continued fisheries enforcement. His overall line manager will continue to be Head of Enforcement.
19. Mr. Erik Thinnesen has been on sick leave since 1 July 2013 with a heart condition. He has been able to carry out some light duties only. His condition is undergoing further investigation and he is likely to off work for an extended period. We wish him a full and quick recovery.
20. Interviews for the vacant posts in the Science team and the Enforcement Officer in the North of the District are planned for the week beginning 23 September.

### VI) **Working in partnership**

21. An effective multi-agency committee was re-established to manage the Foulmaze fishery which re-opened in July. The assistance of support of partner bodies is vital to the effective management of this fishery and thanks are extended to all members of the Committee. This year the Committee has been chaired by Andy Deary and Mandy Knott.
22. With an enhanced enforcement team this year compared to 2012, NWIFCA has been able to mount a stronger operation and spend more time on the Foulmaze bed observing and

regulating the fishery on the ground. This has enabled the achievement of more rigorous checking and greater levels of compliance compared with 2012. NWIFCA has received appreciation from partner organizations for the way the fishery has operated and been managed.

**VII) Association of IFCA (AIFCA)**

23. The AIFCA has been restructured following receipt of legal advice in relation to the structure of the limited company. The main quarterly meeting is now called a members' forum although the attendance is as before. It is made up of representatives of all the IFCA, usually the Chairman or Vice-Chairman of each Authority and the Chief Officer. This forum is an opportunity for IFCA members to exchange experience and discuss current issues facing the IFCA.
24. The members appoint the Directors who are named on the Articles of the Association. The Directors are the Chief Officers of each IFCA and the Chairman and Vice-Chairman of the members' forum. The papers relating to the structure and membership of the AIFCA are on the AIFCA website if required.
25. The Chairman attended the AIFCA members' forum on 9 July and will attend with the Chief Executive, the meeting on 17 September. The minutes of the 9 July meeting are attached to this report at Annex B. A verbal report will be given of the meeting on 17 September.

**VIII) Main patrol vessel replacement**

26. The tendering process for the procurement of a replacement for Solway Protector is now to be undertaken by Lancashire County Council. All Council work has been subject to full reappraisal and delay following the major changes resulting from the Council elections in May 2013. However, the Council has now given approval for the tender process to be done by the Lancashire County Council procurement Centre of Excellence.
27. Funding for the vessel once tendering is complete has still to be put in place. All options are possible for consideration. The agenda today includes a presentation from Environment Agency on the funding and management of all their inshore patrol and survey vessels in England. There may be elements of the EA approach which could be incorporated into a funding scheme for the NWIFCA vessel.

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