

1 AT THE ANNUAL MEETING OF THE NORTH WESTERN INSHORE AND CONSERVATION AUTHORITY held online on 18 June 2020

Meeting was held using Zoom with internet live stream and audio recording

PRESENT – MEMBERS

Dr J. Andrews	MMO appointee (Marine Environment)
Dr E. Baxter	MMO appointee (Marine Environment)
Mr N. Baxter	MMO appointee
Mr R. Benson	MMO appointee (Commercial)
Councillor N. Brookes	Blackpool Council
Mr S. Brown	MMO appointee (Recreation)
Mr W. Friend	MMO appointee (Recreation)
Mr M. Johnston	Natural England
Mr T. Jones	MMO appointee (Commercial/Aquaculture)
Mr. B. Leigh	MMO appointee (Anglers and Recreation)
Mr S. J. Manning	MMO appointee (Commercial)
Councillor A. J. Markley	Cumbria County Council
Miss C. Salthouse	MMO appointee (Marine Environment)
Mr L. Stainton	MMO appointee (Recreation)
Mr M. Taylor	MMO Officer
Mr K. Thompson	MMO appointee (Commercial/Aquaculture)
Councillor P. Williams	Cheshire West and Chester Council
Councillor M. Wilson	Cumbria County Council

IN ATTENDANCE

Dr R. Horner	Natural England
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NWIFCA OFFICERS ATTENDING

CEO, Head of Enforcement (HOE), Digital Communications Officer (DCO), Operational Support Officer Whitehaven (OSOW), Senior Scientist (SS)

APOLOGIES FOR ABSENCE

Mr R. Graham	MMO appointee (Commercial)
Mr D. Harpley	MMO appointee (Marine Environment)
Mr G. Pidduck	MMO appointee (Commercial)
Mr G. White	Sefton Council
Councillor B. Woolfall	Halton Council
Mr P. Wright	Halton Council (Officer)

2 APPOINTMENT OF CHAIRMAN

The Chief Executive welcomed members and anyone on line.  
One nomination only for Chairman was received for Cllr Williams

RESOLVED Councillor P. Williams be reappointed Chairman of the North Western IFCA for the year 2020-21.

3. CHAIRMAN'S ANNOUNCEMENTS

Cllr Williams welcomed new members Wayne Friend, Lewis Stainton, Gary Pidduck and Nicholas Baxter. Declarations should be emailed to office. A decommissioned fishing vessel was lost off Fleetwood 31 May. Sympathy extended to family of fisherman who passed away.

4. APPOINTMENT OF VICE CHAIR:

One nomination only for Mr Graham. Seconded Dr Baxter. Mr Graham appointed as Vice Chair for the year 2020-21. Unanimous

5. DECLARATION OF INTERESTS

Agenda Item 7, Make 'Byelaw 1 Minimum Conservation Reference sizes': Mr. R. Benson

Agenda Item 8, Make 'Byelaw 4 Potting Permit Byelaw and approve whelk track record procedure: Mr. R. Benson

6. MINUTES OF MEETING 5-12 2019

NWIFCA Resolved Minutes are correct record and should be signed by the Chairman subject to following amendment agreed; P3 2<sup>nd</sup> paragraph 'officer's' should not have an apostrophe.

7. MATTERS ARISING

Paragraph 53: Chairman asked if CEO had contacted member Councils to encourage greater participation by councillors. CEO said he had written but had no responses. Mr Leigh asked other Councils for comments on why Councillors do not attend.

Para 54 regarding Mr. Manning comment on providing permits for underage workers. Mr Manning said item should be addressed.

8. PROPOSAL TO MAKE BYELAW 1 MINIMUM CONSERVATION REFERENCE SIZES

Mr Thompson said some of the species listed could be subject of aquaculture. Transport of undersize stock prohibited in the byelaw as drafted. Should be exemption for aquaculture as in other similar IFCA byelaws. Mr Benson said the point raised by Mr Thompson had destroyed an industry at Ravenglass.

Dr Andrews queried the need for paragraph 4 including the allowance for unsorted catches of herring, mackerel and other species. Said as this byelaw is not relevant to this sector is it plugging a hole for other fishermen. Mr Brown agrees para 4 should be removed. It comes from legislation to allow officers to measure catches on large fisheries and is not appropriate for small leisure fisheries. IFCOS may have to prove sampling methods in court and don't have methods.

Mr Manning said MCRS for grey mullet (200mm) is very small for nets set to catch multiple species.

HOE Officer Moulton said byelaw is proposed to plug legislative gaps. No new legislation is added. He will check aquaculture exemptions in other byelaws but purpose here is first step to ensure NWIFCA can enforce appropriate MCRS for species listed throughout the District. Byelaw will apply to all wild caught fish. Aquaculture fish are excluded but will check other options for clarity.

TSB agreed to retain para 4 because to remove it would be deregulation requiring full consultation. Paragraph is needed. IFCOS are trained to sample and measure size of catch. Byelaw only aims to provide transcription of existing legislation.

SS said aquaculture question should be clarified and dispensation could be issued. Ongoing work will look at size of maturity for relevant species.

Mr Leigh said he is concerned lawful businesses may be rendered illegal. Mr Brown said an exemption clause should be added.

Dr Andrews said byelaws apply in several fisheries over protected areas. He disagreed that removal of para 4 would be deregulation saying the byelaw does not take away legislation that applies to vessels it applies regulations to fisheries that escape regulation.

Proposal to make the byelaw: rejected 11 against 3 abstentions. The byelaw is returned to TSB for further consideration.

9. PROPOSAL TO MAKE POTTING PERMIT BYELAW

SS described the report in 2 parts: item 8 the Byelaw and 8a the Whelk track record. Changes were made following the formal consultation in Autumn 2019.

Mr Benson said Byelaw is too long, massive and difficult to understand. Will cause problems. Mr Stainton said use of 'teleost' and 'cartilaginous' fish is not plain English. Monthly returns (s37) needs guidance or instruction. The byelaw does not change the catch available but increases costs for fishers and costs of administration. Returns add to costs. The current byelaw in Cumbria does not need changing. 116 permit holders in NW IFCA District and recreational catches are minimal.

SS said the terms used are scientific and ensure no confusion in legal interpretation of the byelaw. The terms 'teleosts' (bony fish) and 'cartilaginous fish' (sharks, skates and rays) will future proof the byelaw. It would be helpful to know how people will struggle with returns which are not designed to trip people up. The Authority needs data to monitor catches. At present we have no data on how many people are fishing or catch levels. Permit fees are needed to recover part of the admin cost.

Cllr Markley said byelaw development takes too long. Dr Andrews said there is a strategic issue of long complex byelaws and procedures. Does not support byelaw, will vote against.

Mr Brown said change is needed as Cumbria and Lancashire byelaws are incompatible. There is pressure to fish whelks which requires regulation. The Area outside the District has been fished out and vessels are looking for ground. Proposed a delay to the byelaw until a further byelaw is in place to limit vessel size and power to avoid damage to the environment. Mr Friend supported collecting necessary catch information adding that a £20 fee for a year is not excessive. Mr Stainton said charges would be increased.

SS said clear returns forms have been drafted and there is flexibility around requirements for Cat. 2 permits. There is no evidence that areas outside the District are fished out of whelk. Good catches are continuing. Applications for track record will be considered after the byelaw is sent for confirmation. A delay to bring in engine power byelaw rejected by TSB. Flexible permit conditions allow the byelaw to be adapted to meet requirements. There is a written protocol for changing these conditions in the byelaw.

Mr Jones said in Wales track record was established in consultation with the whelk industry based on electronic catch returns. Cllr Markley said effort at improvement might not work.

Dr Andrews said detail in the byelaw rejected 18 months ago by members was put back later by officers. We keep going in circles. SS said all changes were approved by TSB.

Dr Baxter said I want to remind members we are remaking a byelaw we have already approved. If it goes back to TSB it will not satisfy everyone.

**Resolution to make the byelaw:**

In favour (12) BL SM CS NB NB MW AM MJ EB WF MT PW

Against (2) SB LS

Abstain (4) RB TJ JA KT

**Resolution to set up 3 Cat 1 crab and lobster permit categories:**

In favour (12) BL SM WF CS NB MW NB AM MJ EB PW MT

Against (2) LS SB

Abstain (4) RB KT TJ JA

**Resolution B to accept revised fees:**

In favour (12) BL SM WF CS NB MW NB AM PW MJ EB MT

Against (2) LS SB

Abstain (4) RB JA RB KT

**Resolution C to accept necessary amendments to flexible conditions:**

In favour (11) BL SM WF CS NB MW NB MJ PW EB AM

Against (1) LS

Abstain (4) RB KT TJ JA.

**Resolution D Removal of penalty point sanction:**

In favour (12) BL WF CS SB NB MW NB AM MJ PW MJ EB

Against (1) SM

Abstain (4) JA TJ KT RB

SS asked if some with interests have voted. Chairman asked for check after the meeting. Mr Leigh advised that anyone with an interest should not vote. They can speak on an item in which they have an interest. Mr Stainton said people paid by IFCA should not be able to vote. CEO explained that officers do not vote on Authority resolutions.

8A Whelk Track record: Senior Scientist said minor change were made to the system for a person who recently changed their vessel to be able to apply for track record and an appeals process was added.

**Recommendation 8A**

In favour (10) BL SM WF CS NB NB AM MJ EB PW

Against (0)

Abstain (5) TJ KT RB JA LS

**Recommendation 8B Appeals Procedure**

In favour (9) BL SM WF CS NB NB TM MJ EB

Against (0)

Abstain (5) JA TJ KT LS RB.

10. FINANCE REPORT

There were 2 recommendations: Budget review and finance report. No audit is yet planned this year because of virus restrictions lifted. Chairman asked (i) if reserves should be split up

to identify a vessel reserve and revenue reserve. (ii) Bank rescue limit is generally £85k so does NWIFCA have safeguards for example with money spread across several accounts so we will get several 85ks back, (iii) what level of indemnity does the Authority hold?.

CEO said reserves were recorded as a single figure for auditing. This allows flexibility over how they can be used. NWIFCA funds are banked with Lancashire County Council funds so NWIFCA benefits from LCC safeguards.

Mr Leigh said Local authority is not a bank so is not within the bank guarantee scheme. All responsibilities are secured on the rate payer. The Authority pays for auditing so have control over how audit is done during covid-19.

#### **Finance report and recommendations agreed:**

In favour (14) BL SM WF CS SB NB LS MW NB AM JA MJ RB KT

Abstain (1) TJ.

#### 11. ENFORCEMENT REPORT

HOE reported on Leasowe and the emergency byelaw. IC5 and family groups gather at Leasowe seasonally from spring to late summer. This year fishing started mid-March. Police and partner bodies were informed.

By early May numbers were excessive compared with usual. Peak was 250 travelling from urban areas throughout England. All shellfish are being removed removed. The increase is apparently caused by Covid 19 making excess free time available. Cockles, the only regulated species, were closed from end April. Large quantities mixed shellfish were taken every tide. Risk that fishing was unsustainable. Emergency byelaw to prohibit shellfish gathering at Leasowe was brought in 5 May.

Implementation of the byelaw was successful. Enforcement officers present most tides. Initially enforcement focussed on education. Now enforcement action is being taken. Gangmaster Authority and Wirral police assisted. The byelaw was positively received by local community. Red Snapper will be engaged to assist over the summer as required.

Mr Leigh said fishery was extremely demanding for officers and expressed thanks to IFCOs. Fishing is not mostly recreational gathering.

HOE said intelligence indicates it is mostly family groups who come for a day out to the sea side and like to gather shellfish. Some may end up in restaurants or sold informally but no evidence of large scale commercial activity particularly in context of virus and markets shut.

Mr Benson said he was pleased to have an emergency byelaw and asked if members could have been informed earlier. CEO explained that the process is designed to allow a byelaw to be put in place quickly. The Chairman and Vice Chairman must approve, Defra must be informed and members were informed as soon as possible. Mr Brown offered congratulations to IFCOs and asked how it is working. HOE said now is too early to say. Numbers of fishers are reduced but there are other factors which could have caused this. Mr Manning said well done for sorting this out. He was concerned about displacement of fishing to other areas. HOE said the byelaw applies to the north Wirral foreshore only

The Enforcement report was approved: in favour 15 WF SM CS SB NB LS MW NB TM EB TJ MJ BL PW KT RB; None against; JA abstain

12. APPOINTMENT OF TSB

CEO announced members elected to TSB 2020-21. Dr Baxter, Dr Andrews, Mr Brown, Mr Leigh, Mr Pidduck, Mr Jones. The Chairman and Vice Chairman are appointed ex-officio  
Mr Manning said more members and more expertise should be appointed to TSB.

13. Cllr. M Wilson left the meeting at 13:55. Dr Andrews left at 14.00

14. CEO REPORT

Chairman asked when covid working restrictions may be lifted. CEO said an officer (Mrs Dobson, Whitehaven; Mr Graham, Carnforth) had worked at both offices part time throughout the restrictions and extended thanks for their commitment. There is sufficient space for all Officers to office work if they wish to do so. Government guidance is that home working should continue if possible. Mr Leigh said many organisations are trying to get back to normal. Has a plan been put in place for safe working in the offices. Should be documented plan to comply with H&S. CEO said the Health and Safety policy has been amended to take account of Covid working.

Mr Thomson asked if Authority votes were secure. CEO said voting is transparent, tamper proof and streamed on YouTube. Mr Leigh agreed that system is best we can do in the circumstances. Ms. Salthouse agreed secure meant secure from tampering. Ms Knott said have full covid H&S protocols in place. Cllr Markley agree Zoom was right system to use.

Dr Baxter thanks to Irene on retirement. Update on nwifca review Chair deferred to AOB

Chairman asked if MMO appointments had been made. CEO said 4 appointments were made in Feb 2020 giving a full complement of members. Mrs Pierce then resigned in February. 6 month extensions given to all members ending in 2020.

**CEO report approved:**

Unanimous.

15. TSB SUMMARY REPORT: No questions. Report approved unanimously.

16. SCIENCE REPORT

Senior Scientist thanked science officers for consistent working through Covid restrictions. 2d: Highly Protected Marine Areas report published - Benyon Review April 2020 and is on NWIFCA website. Morecambe Bay was a listed as a suggested site. No sites identified for designation at this stage. IFCA Technical Advisory Group (TAG) is developing a science induction and officer training course.

Mr Jones asked if Solway sub tidal side scan survey data will be available for the next TSB. MK said yes if possible. Chairman also thanked officers for work during restrictions.

**Science report approved:**

Unanimous.

Mr Manning said BMWG tomorrow must be full meeting re South America seed mussel.

Ms Knott said nature of these fisheries requires quick action. Waiting for TSB could lose the resource. BMWG allows open discussion between sectors. Members should attend and be constructive. The last meeting was too contentious.

17. ANNUAL PLAN 2019-20 3<sup>RD</sup> AND 4<sup>TH</sup> QUARTER MONITORING

No questions.

**Recommendation that the report is approved.**

In favour: (12) CS SB TJ RB WF SM BL EB MJ KT PW

Abstain (1) LS

Against (0)

18. 10<sup>TH</sup> ANNUAL PLAN 2020-2021

CEO said Covid restrictions included but Authority has worked consistently throughout the restrictions. Mr Stainton asked about impacts of possible funding changes in 2020-21. CEO said finances are in to end March 2021 under the levy system. Defra are considering changes to New Burdens funding for future. IFCA learnt of this at short notice and chief officers were concerned about reasons and timing. Further questions on the plan invited by correspondence.

**Recommendation that the plan is approved:**

In favour (12) PW CS SB TJ LS RB WF SM NB BL MJ KT BL

Abstain (1) EB

Mr Leigh asked if plan can be amended. CEO said it can be changed by resolutions at quarterly meetings.

19. DISCLOSABLE INTEREST DISPENSATIONS

Mr Leigh said NWIFCA register of interests requires updating to be in compliance with legislation (Localism Act 2011). Changes proposed in the report. Ordinarily in Councils members cannot speak on items in which they have an Interest. NWIFCA allows members to speak but must have a dispensation so a new system is needed to provide dispensations. Now report must be approved for adoption at next meeting under standing orders to change constitution.

Proposed: EB Seconded: CS

In favour (8) PW CS TJ LS RB NB EB KT

Abstain: (3) BL SB WF

20. CORRECTIONS TO STANDING ORDERS

Mr Leigh assisted with drafting and presentation of the report. Said question arose because a byelaw was not made and needed to be reviewed between meetings. Raised and supported email from Dr Andrews.

**Approve changes and recommendations for purposes with JA amendments:**

Proposed: KT Seconded: EB

In favour (8) PW SB RB WF TJ SM

Abstain (3) CS BL LS

21. AOB

Chairman invited Mr Benson to speak about seed mussel fishery at Heysham flat. Mr Benson said there was a clash last year. The opening of cockle fisheries on 1 Sept. meant no one fished seed because it is low value. Potentially a lot of seed could be lost if permit scheme not changed. If nothing done I have come to end of term as MMO appointee. CEO asked if proposal is to lay aside the permit scheme to allow fishing without a permit. Said we are limited by the byelaw. Mr Benson said that was the proposal. 5000 tons of seed could be lost if not fished. CEO said usual dispensation for permit holders to fish for seed at Heysham will be issued. Authority cannot widen access without changing the byelaw. Mr Benson said byelaw is wrong and must be changed. Mr Jones asked how Ribble was managed in 2012. COE said byelaw has been changed. Permit numbers were much higher and there was no permit fee. Mr Brown said Ribble required boat fishing, seed mussel is a very different fishery and there is no solution. Number of permits will have to be increased to handle a major cockle event which will occur. Mr Manning said there was major cockle event in Morecambe this year. Stock was cleaned out by permit holders. No more permits should be issued. There is over supply of seed mussel and no open market. No solution offered. Mr Jones said issue must be seriously considered to avoid waste. CEO said byelaw change would take too long and there may be no quick solution. Mr Jones said legislation is wrong. Adaptability must be possible. He asked to bring proposals to the next TSB re byelaw 3. CEO gave update on Byelaw 3 which is back with MMO for confirmation. Also outlined byelaw confirmation process. Will send Mr Manning again the comments and responses received in respect of the formal consultation. Mr Manning asked about the foreshore gatherers course. CEO said it may be possible to run much of the course on line in future. Mr Jones said he is an approved Seafish training coordinator. He is working on improving a rubbish course as quickly as possible. It will be a good course.

Mr Manning left the meeting 4 hours 14 minutes

Chairman took vote on Mr Jones proposal to look at cockle and mussel legislation at next TSB meeting: 9 in favour. CEO said discussion was out of order. A new policy agenda cannot be launched without notice and issue had not been properly introduced. CEO asked if members wished to stop confirmation of byelaw 3. Mr Jones said proposals to amend the byelaw should be accommodated. Chair asked if members were looking at amending the byelaw once confirmed or withdrawing the byelaw from confirmation. Members agreed existing byelaw with MMO should be completed.

Mr Benson said the Heysham fishery of up to 5000 tons could be worth £25m thrown away. CEO said usual permits for Heysham will be issued for permit holder to fish if they wish to. Mr Benson said CEO does not understand the business and is too academic. Seed mussel is a low value product that has to be moved by trucks. Mr Benson expressed strong anger at the CEO and Authority. Mr Brown said Byelaw 3 para 10 could be used to create a solution. Must be put to TSB.

Mr Brown said Leasowe must not remain shut. Must look to next stage. Will report on previous experience. Ms Knott said survey is planned. Mr Brown said 5kg limit approach could be applied. MK said must avoid risk of damage to protected species and site which is a very diverse and interesting area. A byelaw will be needed. Razors are not a concern because on the shore they only represent the edge of a subtidal stock. Chairman said otter clam stock may be seriously over exploited. Mr Stainton said fishers at Leasowe should be engaged with the development of management despite nationality and cultural difficulties. Mr Brown said Vietnamese community results from boat people episode 50 years ago and there are community representative organisations on Wirral. Chairman said he could contact Wirral council for community information.



Chairman referred to the NWIFCA REVIEW of policies and governance which was updated in the CEO report. He said the working group should pass comments on the tenders to the Finance Committee. CEO said that tenders had been assessed according to the criteria in the invitation to tender. The outcome was reported to the working group. The tender from RPA received the higher score by a considerable margin and would represent best value for the Authority. Chairman said he would report comments of the working group to CEO within a week. Dr Baxter said CEO suggestion was appropriate.

Mr Leigh asked about the HPMA (Benyon) report which could lead to a total ban on all forms of fishing on HPMA areas. Mr Leigh said he supported improving marine environment, however the potential impact of making Morecambe bay an HPMA would be very large. Is there a chance for the authority to review and discuss and should the Authority prepare a position statement on HPMA including Morecambe Bay as a possible site. Dr Baxter said the report came from consultation in 2019. Concerns about Morecambe Bay being mentioned were sent to Joan Edwards (Director of Marine Conservation and Public Affairs) WT considered Morecambe Bay would not be a feasible HPMA due to amount of existing activity on the site. Senior Scientist said the sites mentioned are not confirmed for designation. They were raised in the consultation by stakeholders. Concerns about Morecambe Bay have been returned to Defra. No action by the Authority is needed until further developments arise. Ms Salthouse said proposals for reference areas as part of the MCZ selection process were discounted.

Chairman raised review of Governance saying CEO had circulated outcome of tender process suggesting finance and personnel committee are informed. CEO explained the tender process and scoring and had sent scores to the working group. Members may comment on and question the scoring but should not attempt to redo the scoring. Mr Leigh endorsed the method that has been used and explained that in a Council members would be invited to question the criteria and scores. Dr Baxter was concerned about the delay to the review and supported the proposal that questions are returned to the CEO. CEO agreed to check with tenderers that tenders are still valid.

Chairman closed the meeting 4 hr 53mins.