

113 AT A MEETING OF THE NORTH WESTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY held at Lake District National Park Office, on Friday, 28th September 2012

PRESENT – MEMBERS

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| J. A. Clark | (Chairman) | MMO appointee (Marine Science) |
| R. Benson | | MMO appointee (Fishing Industry – North West) |
| J. Butler | | MMO appointee (Shellfish Sector) |
| M. Byram | | Cheshire West and Chester Council |
| D. Clarke | | MMO appointee |
| C. Frid | | MMO appointee (Marine Science) |
| P. Glasman | | Wirral Council |
| R. Graham | | MMO appointee (Fishing Industry – Cumbria) |
| T. Jones | | MMO appointee (Shellfish Sector) |
| C. Lumb | | Natural England (Officer) |
| A. Maltby | | MMO appointee (Fisheries Management) |
| J. D. Murphy | | MMO appointee (Recreation) |
| M. R. Owen | | MMO appointee (Fishing Industry – North West) |
| C. Reed | | MMO appointee (Marine Science/Conservation) |
| N. Robinson | | MMO (Officer) |
| A. C. Ross | | Cumbria County Council |
| P. Williams | | MMO appointee (Recreation) |
| C. J. Woods | | MMO appointee (Fishing Industry – North West) |

OFFICERS

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|--------------|---------------|
| S. M. Atkins | I. V. Andrews |
| K. Atkins | S. Brown |
| H. Ake | D. Dobson |
| M. Knott | C. Dobson |
| A. Lindop | A. Leadbeater |

IN ATTENDANCE

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|--------------|---------------------------|
| R. Beresford | Wirral Council |
| S. Benson | Lancashire County Council |
| D. McAleavy | Sefton Council |
| T. R. Glover | Former Chairman |

Apologies

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| Councillor T. Beaumont | Liverpool City Council |
| Mr B. Crawford | MMO appointee (Anglers and Recreation) |
| Mr D. Grunshaw | MMO appointee (Shellfish Aquaculture) |
| Councillor A. J. Markley | Cumbria County Council |
| Councillor A. Thornton | Lancashire County Council |
| Mr Rob Beresford | Wirral Council |

114 CHAIRMAN'S ANNOUNCEMENTS

1. The Chairman welcomed new member Mr Rob Benson (MMO appointee).
2. The Chairman announced that this would be the Enforcement Director's last meeting prior to retirement.
3. The Chairman welcomed Mr Tom Glover, former Chairman.

4. The Chairman welcomed visitors and members of the public.

115 DECLARATIONS OF INTEREST

Members declared pecuniary and non-pecuniary interest in Agenda items as follows:

Agenda Item 7. Enforcement Director's Report. Mrs M. R. Owen, Mr C. Woods.

Agenda Item 10. Morecambe Bay Hybrid Fishery Order. Mr R. Benson, Mrs J. Butler, Mr T. Jones, Mrs M. R. Owen, Mr C. Woods.

116 TO RECEIVE MINUTES OF THE NWIFCA MEETING HELD ON 12TH JUNE 2012 (AGENDA ITEM 3)

1. Minute 103 – To make the new Byelaw 3 – Permit to fish for Cockles and Mussels

Councillor Glasman asked if examiners of the Foreshore Gatherers Course, when giving out the certificates, had made sure the fishermen understood the content of the course and what the byelaw allowed or not allowed them to do. The Chief Executive said Seafish did attempt to check that candidates had understood the course.

RESOLVED

The minutes of the NWIFCA meeting held on 12th June 2012 be approved and signed as a correct record.

117 MATTERS ARISING (AGENDA ITEM 4)

1. Minute 99 – Minutes of NWIFCA Meeting held on 16th March 2012

Mrs Owen said she had queried the proposed charge of £500 for permits on 2 occasions and understood that it was being looked into but when the byelaw was brought before the Authority to be made the permit fee of £500 had been included. Mrs Owen asked for it to be noted that she had raised the matter again and also her objection to the permit fee charged of £500. The Chief Executive said the byelaw had been discussed on at least 2 occasions and there had been no resolution to indicate the Authority wished to change the amount proposed. The byelaw had therefore been carried forward to be made with the proposed permit fee included. The Authority had approved the making of the byelaw in June. Consultation had taken place with industry, the majority of who were supportive of the fee but asked for it to be flexible to take into account times where no fishing activity was possible. At that time MMO lawyers could not give IFCA the discretion to change the level of the fee. It was now felt that MMO would allow some flexibility and discretion to adjust management provisions according to the needs at a particular time and particular place. Dr Atkins suggested that the matter be deferred for further discussion under the Chief Officer's report later on the Agenda.

2. Minute 103 – Permit to fish for Cockles and Mussels

The Chairman asked the Chief Executive if a letter had been drafted to MMO regarding the possibility of introducing a District-wide Regulating Order. The Chief Executive said no progress had yet been made with that.

118 REPORT ON MEETING OF TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE (TSB) HELD ON 12TH JUNE 2012 (AGENDA ITEM 5)

Mr Ron Graham, Chairman of the TSB provided a verbal report. The Preesall Gas Storage proposals had been discussed previously. Concerns raised on the impact such a development might have on inshore fisheries. It was felt that consultation would take place if there were any objections to the planning, which would provide an opportunity for the Authority and others to present any concerns they may have. The TSB agreed the Authority should monitor developments with the proposal.

A science report covered the period April to September. Concerns over the regulation of the mussel fishery in the Dee Estuary with the introduction of the new Byelaw 3 were raised. The TSB requested a report on the implications for the Dee Estuary at a future TSB.

The cockle transplant trial carried out in 2011 had limited success. TSB supported a further trial when the opportunity arose in better weather and higher stock levels.

TSB did not support an RSPB proposal to set up a North West Environmental Forum to facilitate discussion of conservation and environmental measures that might be necessary to assist development of IFCA policy. TSB considered the Authority has access to sufficient skilled, technical expertise.

The Chairman said one of the underpinning reasons behind the TSB decision was to ensure transparency and to give all members of the Authority an opportunity to contribute to discussions. She felt that the TSB was the correct vehicle to bring matters to the Authority. Dr Clark asked for Members' approval that business should be conducted through the TSB as necessary without the need for a separate Environmental Forum. Ms Reed pointed out the idea of an Environmental Forum had been to support and assist the work of the IFCA and would be a way of sharing knowledge.

The Chairman agreed that issues for the TSB should be informed by advice from partners and that meetings of the TSB could and should be held as required between full IFCA meetings.

The Chairman proposed, and it was agreed, that the Authority did not wish to initiate a North West Environmental forum at that time.

Mr Woods again raised the question of the Dee Estuary. There had been good reasons in the past for having different legislation in the Dee and the Authority was not addressing the issue. He asked for time to be allowed at future meetings for discussions to resolve those issues.

Mr Graham reminded Members that the TSB had agreed a report on the Dee should be prepared and submitted for discussion. Ms Ake informed Members that the report was in process of being completed but it was proving difficult to arrange a convenient date for a meeting with EA Wales and Welsh Assembly Government. The Chairman asked for a report at the earliest opportunity.

Councillor Glasman pointed out that most of the coastline containing the Dee mussel beds was in Wirral and any reports on the Dee should involve that council.

The need for biosecurity plans to cover the Morecambe Bay Fishery Order area or the whole District was raised. Officers were asked to produce a report on biosecurity for the whole District when resources allowed.

RESOLVED

1. The report be received.
2. That the NWIFCA should not proceed with the introduction of a North West Environmental Forum at the present time.
3. A report on Dee Estuary issues should be prepared.

119 FINANCIAL REPORT (AGENDA ITEM 6)

The Finance Officer reported that 2 pages from the Annual Return were missing from the report. Mrs Atkins provided copies of the missing pages for Members information. There were no unusual items of spending and expenditure was well within budget and Members were asked to approve the Budget review to 31st July 2012. The Annual Report had been signed off by the External Auditors and the Authority's approval of the completed Annual Return was required. The only issue to bring to Members' attention from the Issues Arising report was that the Auditors felt the Standing Orders and Financial Regulations were not fully up to date and the Financial Regulations should include tendering. That issue did not affect the clean audit opinion of the Auditors. An Action Plan to address the issue was given in the report and a review of the Standing Orders and Financial Regulations would be commissioned by the Chief Executive and presented to the NWIFCA at its next meeting for review, amendment if necessary and formal adoption.

RESOLVED

1. The report be received.
2. The Budget Review to 31st July 2012 be approved.
3. The complete Annual Return for NWIFCA for the year ended 31 March 2012 be approved and accepted.
4. The Issues Arising Report for NWIFCA Audit for the year ended 31st March 2012 be noted and the action plan approved.

120 ENFORCEMENT DIRECTOR'S REPORT (AGENDA ITEM 7)

The Enforcement Director reported that unseasonal weather had restricted offshore fishing opportunities. Offshore enforcement capability was now nearly back to full strength following installation of a new port engine in the 'Solway Protector'. Officers had carried out enforcement on the Ribble cockle fishery and although compliance with the permit scheme was good, a number of case files had been prepared for consideration by the Authority's solicitors. 2 warnings letters were also issued for minor incidents. Mr Dobson thanked all enforcement officers, admin staff and science team for all their efforts and hard work in connection with the Ribble cockle fishery.

Mrs Owen said she wished to thank Mr Dobson and the team for their work on the Ribble fishery, which had been done extremely well.

Mr Woods drew Members' attention to the report by the IFCO for the Mersey, Wirral and Dee and the reference to the cockle bed in the area being closed in order to allow the bed to settle. He said the area was now barren as a result of over-fishing and exploitation. Small areas of mature cockle that produced the seed that was trying to come back had been taken and the fishery was in a bad way. The Chairman suggested those issues should be part of the report previously agreed to be submitted to the TSB Sub-Committee.

RESOLVED

1. The report be received.

121 CHIEF OFFICER'S REPORT (AGENDA ITEM 8)

Staff changes: Retirement of the Enforcement Director, Mr Dave Dobson at end of September 2012. Resignation of Mr Mark Dobson in August. Recruitment of Miss Abigail Leadbeater to the science team. Progress is underway with recruitment for the Head of Enforcement and IFCO positions.

IT: The hosting of the NWIFCA computer system will be transferred to the Lake District National Park which should provide a more secure and effective system.

Defra Marine Protected Area policy change. This has arisen because of a legal challenge that UK Government was not properly managing European Marine Sites (EMS). The implications of the change were not yet known but fisheries within EMS may need to be re-examined leading to further restrictions on commercial fishing unless the activity has been assessed as causing no damage. The policy change may have an impact on IFCO workloads and priorities over the next 4 years and should be funded by Defra. This potentially very large amount of work could radically change NWIFCA priorities and work programmes. Other work such as science, survey and issue of permits and consents could be affected.

Mr Maltby said it was important that the Authority takes a lead rather than waiting for other people to instruct and potentially to fund. The strength of the Authority was to know the fisheries well and to know the conservation issues. The Authority needed to be able to present evidence of different types of gear, different types of fishing and where it is damaging. Mr Graham said if the concern was how the gear connected with the bottom, people with the relevant experience of that needed to get together with those who would be driving the proposals forward with perhaps some kind of assessment panel to look at those areas that are questionable.

Mr Lumb agreed that the remit of the TSB was to be proactive. The work was appropriate for the IFCA and should be integrated with fisheries work. We need to identify the scale of the work and whether IFCA was properly resourced to do that and if not to make the appropriate recommendations.

The Chairman said she would take members views to the next Association of IFCA. It was agreed, that the Authority should note the implication of the new Defra policy on the MPA in the District.

Foulnaze fishery: the Chief Executive reported that planning was underway towards a further opening of the fishery in October. The MCA had ruled that all skippers of boats would have to have qualifications to fish in the dark and Members expressed concerns about the MCA ruling. Mrs Owen said that fishermen had taken all the courses required of them and such a ruling should have come to light earlier in the summer. Mrs Butler felt that the opening of the beds for short periods was wrong and fishermen should have the right of the season from September to April to be able to work and make an income. Mr Woods agreed that beds should be opened for longer periods. He raised concerns about the safety issue and asked out of the 95 potential people that could be pursuing the fishery, how many people on the waiting list with no qualifications and pursuing a fishery in the hours of darkness with no experience of being in a boat before had been issued with permits.

Dr Atkins said the Authority had responded to requests from industry to fish in October and it had responded to that and looked at what was possible from an environmental point of

view. Environmental regulations were such that it had to manage fisheries sustainably. He did not have the figures available to answer Mr Woods' question but the byelaw allowed the authority to issue 40 permits to a number of new entrants this year under the transitional arrangements.

Mrs Butler asked if it was appropriate at that time to bring to Members' attention to the letter from the Morecambe Bay Fishermen's Association with its concerns over the new byelaw and that was agreed.,

The Secretary of the MBFA had pointed out that some fishermen who had fished and worked all their life in their local area did not want to make a 300 mile round trip to work. The Fishermen's Association were not against the charge for the permit but asked why a permit could not be issued with area codes so that the permit could cover the whole of the district or a local area different from other parts of the District. Fishermen were seeking a guarantee from the IFCA that if Morecambe Bay were to open they would have the right to a permit they had held since the permit scheme was introduced, and would pay a fee for the permit at that time. The Association felt that there should be some sort of concession given to people who could prove they were genuine bona fide fisherman.

Prof Frid raised a query about sustainability and the proposed TAC of 800 tons against a biomass of 3,000 tons. He asked what evidence was used for setting the TAC and what officers were estimating the non-take fishing mortality would be on that stock. Ms Ake said the TAC was advised by Natural England leaving 2200 of adult cockle from 1st September for overwintering birds.

Prof Frid suggested that it was not sensible to leave just 2200 tons for birds while taking out 800 tons by fishing. This would not leave anything on the ground for 2013 reproduction. No estimate in the figures had been allowed for mortality such as could be caused by fishing. Dr Atkins said an assessment of likely significant effect had been agreed with Natural England who had calculated the amount it wished to be left on the bed over the winter and the TAC was based on that calculation.

Mr Lumb said their advice paper was based upon NE data on bird counts from the British Ornithological Trust and usage of the Ribble Estuary by birds. NE had used an approach which had been taken on other estuaries, calculating food consumption requirements and food availability. This was advice of NE ornithologists who made some precautionary correction for the level of dependency in the Ribble Estuary.

The Chairman suggested that the discussion had become technical, scientific and somewhat contentious and would be better deferred to the TSB.

Dr Atkins asked if members had any proposals or resolutions in respect of the Foulnaze fishery and the plans that were in place at the moment. He said that if members wanted to propose the fishery did not go ahead then Officers would have to follow that advice.

Councillor Byram proposed that the fishery should go ahead as planned. He felt it was too late to change the plans but that careful monitoring of the fishery should take place. The proposal was seconded by Councillor Glasman and the Chairman asked Members to vote on the proposal.

Following a vote 2 in favour, 1 against and 8 abstentions the motion was not carried.

Mr Graham said people's expectations were that the bed would open on Monday and he felt that the vote did not reflect well on the Authority. Mr Woods raised concerns that the Agenda item stated that the report put forward to members was for discussion on the future management of the Foulnaze bed but it seemed as though the matter had already been decided.

IFCO Steve Brown suggested the paramount issue on the opening of the bed was the safety of the fishermen and if the bed was not opened in a controlled manner it would open itself with possible tragic consequences.

The Chairman asked for a further vote on whether the proposal to open the fishery was now something the Authority would like to see happen.

Following a vote of 15 for, none against and 3 abstentions the motion was carried.

The Chairman then deferred the meeting until after lunch.

122 RETIREMENTS OF MR DAVID DOBSON AS ENFORCEMENT DIRECTOR AND COUNCILLOR TOM GLOVER OBE AS LONG-STANDING CHAIRMAN AND MEMBER OF THE NWIFCA

Dr Clark welcomed the Lord-Lieutenant of Cumbria County Council, Sir James Cropper.

Sir James said he was delighted to attend today's meeting to provide some light relief to the technical and controversial items discussed at today's meeting. He was here as Lord-Lieutenant in the County of Cumbria to make a presentation to the retiring Enforcement Director, Dave Dobson, in recognition of his outstanding services to the fishermen of Cumbria. Sir James then presented Mr Dobson with a certificate of appreciation from Cumbria. The Chairman also made a presentation to Mr Dobson of a framed certificate from the Authority.

The Chairman announced that she had one further presentation she wished to make and presented the former Chairman, Mr Tom Glover, OBE, with a framed and mounted picture of Morecambe Bay.

123 The Chairman proposed the meeting be adjourned and reconvened at 1400 hours and this was agreed.

124 MEETING RECONVENED AT 1400 HOURS

125 CHIEF OFFICER'S REPORT (continued)

Dr Atkins noted that the annual plan had been updated to reflect work done since April 2012. Most of the work is on-going and includes a byelaw review with completion of Byelaw 3, achieving compliance with shellfish regulations, review of fisheries sustainability, and progress with the Morecambe Bay Fisheries Order, now with Defra legal.

RESOLVED

1. The report be received
2. Implications of Defra's new approach to management of MPAs be noted
3. Progress with NWIFCA work plan be noted
4. The motion to reopen the Foulnaze cockle fishery be carried.

126 SCIENCE REPORT (AGENDA ITEM 9)

The science report was presented by the Science Team.

Mr Graham asked for clarification over Co-operative Society Social Goals Fund. Ms Knott confirmed that the NWIFCA had submitted proposals after being approached by the Co-op.

However, although interested in the NWIFCA proposals, they chose a Shark Trust project, which will include waters around Whitehaven and Fleetwood.

Ms Glasman asked for a re-iteration of the progress on the Razor Clam fishery. Ms Ake reported that the literature review is in progress and there are 3 companies involved in the scoping project, looking at fisheries off north Wirral, Southport and Walney. Ms Glasman also commented that there was only a verbal TSB report and asked for it to be written in future, and sent to all members, not just TSB, so that the whole Committee would be able to see what had been discussed. It was also suggested that the TSB could meet before the main committee, so that it could report directly to the full committee.

Prof Frid requested that papers were made available only online, and that those who wanted could print them. Dr Atkins replied that any members who wish can request not to receive hard copies.

Mr Jones commented on the Preesall Underground Gas Storage application and asked whether the NWIFCA was a consultee. Clarification from Ms Knott confirmed that the committee has always been a part of the consultation process, but some members also want to be on individually. The Chairman added that the IPC now only reports to ministers, so members should be pro-active in their approach to the IPC.

Mr Lumb said that Natural England were also making representation to the IPC. The Environment Agency is the lead for Environmental concerns and is happy so far. If environmental status were to change, the permit would be reviewed according to the action plan of the monitoring group. It was claimed that the EA data was collected on information prior to the Rossall Point discharge installation, but Mr Lumb said the EA had looked into it and decided the discharge was too far away from the structure and sufficient dilution would have occurred.

RESOLVED

The report be received.

127 MORECAMBE BAY HYBRID FISHERY ORDER (AGENDA ITEM 10)

Ms Knott presented a written report on the progress of the Order application. This included details of an overlapping application for a Several Order for the north Walney Channel and proposals for a mutual agreement with Boughton Estate over private fishery rights on their land.

A request was made to Members for information about an area known as Bass Pol between Piel Island and south Walney. Officers have received a formal expression of interest in trialling mussel relaying on the skewer ground there with the prospect of establishing a Several Area for mussel cultivation.

RESOLVED

The report be received.

128 COMMUNICATIONS AND ENGAGEMENT STRATEGY (AGENDA ITEM 11)

The Communications and Engagement Strategy was presented. This is now on the NWIFCA website. Fishermen's and Community meetings were agreed. A suggestion was made that the NWIFCA could consider having a Facebook presence as well.

RESOLVED

1. The report was received

129 CHAIRMAN'S MEETINGS

The Chairman presented a verbal report on the AIFCA meeting in September attended by herself and the CEO. The AIFCA considered its annual work plan and the Defra change of policy on EMS. Minutes and papers are available from the Clerk or the AIFCA website.

The Chairman had attended 'Turning Tides', a bathing water conference that looked at issues affecting water quality in the North West, particularly Blackpool, in light of the revised Bathing Water Directive. It was emphasised that this is an important issue to pay attention to for all, particularly in relation to shellfish quality.

130 A.O.B

Mrs Butler raised the issue of an application for aggregate removal. It was pointed out that this is out of the NWIFCA district and aggregate removal has been on-going there for years, but there were some concerns about the area being a possible cod spawning ground.

There being no further business the Chairman thanked Members for attending and declared the meeting closed at 1445.