

AT A MEETING OF THE NORTH WESTERN INSHORE AND CONSERVATION
AUTHORITY HELD AT TRUCKHAVEN, CARNFORTH, 26th SEPTEMBER 2024

PRESENT – MEMBERS

Mr. P. Capper	Chair	MMO Appointee
Cllr. A. Markley		Cumberland Council
Cllr. P. Norris		Liverpool City Council
Cllr. S. Brooker		Blackpool Council
Cllr. S. Clarke		Lancashire Council
Mr. S. Johnston		MMO
Mr. L. Browning		Natural England
Mr. N. Baxter		MMO Appointee
Mr. S. Brown		MMO Appointee
Mr. S. Manning		MMO Appointee
Mr. K. Thompson		MMO Appointee
Ms. C. Salthouse		MMO Appointee
Mr. B. Leigh		MMO Appointee
Mr. R. Donnan		MMO Appointee
Mr. D. Williams		MMO Appointee
Mr. T. Jones		MMO Appointee
Mr. R. Benson		MMO Appointee
Ms. G. De Jong Cleynert		MMO Appointee

IN ATTENDANCE – MEMBERS OF INDUSTRY

Mr. M. Rowlings, Mr. T. Davies, Mr. S. Ward, Mr. M. Hughes, Mr. M. Diggle, Mr. D. Coward, Mr. D. Williams, Mr. M. Wilson, Mr. T. Manning, Mr. M. Lambeth, Mr. D. Cowperthwaite, Mr. C. Lomas

NWIFCA OFFICERS ATTENDING

M. Taylor	CEO
J. Moulton	Head of Enforcement (HoE)
A. Plumeridge	Head of Science (HoS)
S. Reid	Administration Officer
C. Silverwood	Administration Officer
R. Love	Science Officer

APOLOGIES FOR ABSENCE

Cllr. J. Boak	Westmorland and Furness Council
Cllr. J. Hugo	Blackpool Council
Cllr. B. Woolfall	Halton Council
Cllr. G. Davies	Wirral Council
Cllr. J. Parr	Lancashire Council
Mr. R. Lomax	MMO Appointee
Mr. L. Stainton	MMO Appointee
Mr. J. Turner	Environment Agency
Mr. G. Pidduck	MMO Appointee

2 APPOINTMENT OF CHAIR (AGENDA ITEM 1)

The CEO welcomed members and explained that the AGM did not happen in June as the meeting was not quorate. Following scrutiny of the Constitution by the General Purposes and Standards Sub-Committee (GPS), a decision was taken that the Chair would be appointed at the first quorate meeting of the financial year, which is today.

There will be an extraordinary TSB meeting held at the end of this meeting.

Nominations have been received for the appointment of Chair of the Authority. There was only one nomination for the position of Chair and that was to reappoint Mr. P. Capper. This was proposed by Mr. K. Thompson and seconded by Mr. S. Brown.

Mr. P. Capper was unanimously re-elected to stand as Chair.

RESOLVED

3 CHAIR'S ANNOUNCEMENTS (AGENDA ITEM 2)

The Chair welcomed everyone to the meeting, including Cllr. Shaun Brookes from Blackpool Council, Cllr. Peter Norris from Liverpool City Council and Georgia De Jong Cleyndert from Cumbria Wildlife Trust.

The Chair thanked Kelsey Thompson, Caroline Salthouse and Steve Manning for their contribution and service to the Authority. This is potentially their last Authority meeting as they come to the end of their tenure.

The Chair also reminded members to sign the attendance register and declare any items of interest.

4 APPOINTMENT OF VICE CHAIR (AGENDA ITEM 3)

Nominations have been received for the appointment of Vice-Chair. There was only one nomination for the position of Vice-Chair and that is Mr Brian Leigh. Proposed by Mr. Kelsey Thompson and seconded by Mr. Trevor Jones.

Mr. Brian Leigh was unanimously re-elected to stand as Vice-Chair.

RESOLVED

5 DECLARATIONS OF INTERESTS (AGENDA ITEM 4)

Mr. R. Benson Items 11 and 13

Mr. S. Manning Items 11 and 13

Mr. T. Jones Items 11 and 13

6 MINUTES OF MEETING 21st MARCH 2024 (AGENDA ITEM 5)

There are two small amendments required to the minutes. Mr. Kelsey Thompson sent apologies to Mrs. Alison Nicholson and Mr. Steve Johnston's name is spelt incorrectly on page 5.

RESOLUTION: THE MINUTES BE APPROVED WITH THE NOTED AMENDMENTS

Proposed: Mr S. Brown, Seconded: Mr. S. Johnston, all in favour, carried

7 MATTERS ARISING (AGENDA ITEM 6)

There were no matters arising.

8 FINANCE REPORT (AGENDA ITEM 7)

The CEO presented the Financial Report for the first quarter of the financial year 2024/2025 on behalf of Rushton's Accountants.

The nine constituent councils have paid their levies for the year ahead. The Authority received the majority of its expected permit fees in the first quarter, shellfish sampling is not an income that we budget for as it is not a guaranteed income.

Employee expenditure is as expected. Estates expenditure is ahead of where we would expect it to be, however, the Authority pays bills for the year ahead in Q1. There have also been unexpected costs due to remediation work at Whitehaven. The largest expenditure in the Transport budget heading is fuel. This is under budget due to ongoing issues with North Western Protector not going to sea as regularly as was anticipated. Capital asset replacement strategy is focussing on replacing vehicles and vessels in the future. Corporate budget is over budget for the quarter however there are bills we pay up front for the year, including the Health and Safety consultant and the HR consultants. The insurance costs have gone up significantly. The previous cover was insufficient and not fit for purpose.

At the November 2024 planning meeting, the Authority will be able to forecast and budget more accurately for next year.

Mr. S. Johnston asked for clarification of the RDEL money and what it was for. The CEO responded that it is being used to fund the two temporary members of staff to support uplift in responsibilities given to IFCA's by Defra, namely for work around Allonby Bay HPMAs, MPAs, FMPs and marine spatial prioritisation. In the future, Defra may ask how we have spent it and so it needs to be reported separately and clearly evidenced.

Mr. B. Leigh queried which budget the staff training comes from and also requested that there are notes on the financial statement to explain the costs that are paid upfront. The CEO explained that staff training comes from the Employees budget heading and that there is a budget sub-heading specifically for Training. The CEO stated that moving forward, the costs could be proportioned across the quarters properly.

Cllr. P. Norris asked for clarification on the reserves. The CEO explained that some of it is inherited money from inappropriate underspend by the previous management regime. There had been a lack of investment in capital assets including an aging vehicle fleet and all the estates need investment. In the future, there will be an emergency fund of £400k in reserves which will not be touched. Mr. P. Capper added that historically the money in reserves included the vessel replacement fund and this is now in the capital asset fund. Mr. B. Leigh added that the reserve was being built up to pay for the vessel replacement.

THE REPORT WAS RECEIVED

9 APPOINTMENT OF TSB SUB-COMMITTEE (AGENDA ITEM 8)

Seven MMO appointees are able to sit on the TSB, the remaining three members are made up of our statutory members. Mr. P. Capper and Mr. B. Leigh will sit on the TSB as *ex-officio* members as they have been appointed as Chair and Vice-Chair.

All the nominated MMO appointees will therefore be appointed to the TSB.

The TSB members are: Mr. K. Thompson, Mr. T. Jones, Mr. N. Baxter, Mr. R. Benson, Mr. S. Brown, Mr. S. Manning and Mr. L. Stainton.

Proposed: Mr. B. Leigh, Seconded: Cllr. Clarke, all in favour, carried

10 TSB SUMMARY 13TH AUGUST 2024 (AGENDA ITEM 9)

Mr. B. Leigh summarised the TSB meeting held on 13th August 2024. The meeting was very well attended by industry with a wide range of opinions being offered. The TSB meeting on 13th August focused on the Netting Byelaw and the opening of the cockle fishery.

The committee resolved that Flookburgh fishery was approved to be open ten days in any 14, for one tide a day and Pilling will be resurveyed.

The Extraordinary TSB meeting, that will be held after this meeting, will discuss the results of the Pilling survey, and the pollution incident that affects the Mersey which has the potential to affect the Leasowe cockle bed.

Mr. R. Benson asked for further details on the pollution incident.

The CEO provided an overview of the pollution incident that occurred at the Stanlow Oil Refinery. A minor incident was reported, as per procedures, on the 12th September 2024. There was an overflow from an effluent area that was then found to contain oil and oil-based products. Officers were invited to the second meeting of the Standing Environment Group, having been missed off the invite for the first. The incident resulted in a spill into a tributary (Thornton Brook), of a tributary (River Gowey) of the Mersey. There is evidence of some of the pollutants entering the Mersey from the River Gowey. Mersey Port Health Authority (MPHA) have some concerns around the potential to affect the Leasowe cockle bed. MPHA are taking a number of samples over a period of time. The tests are for hydrocarbons and these results can take up to two weeks to come back. The decision from MPHA is that the bed will not open until the hydrocarbon levels are at a level where there is not a risk to public health.

Mr. T. Jones asked for clarification on the hydrocarbons involved. Mr. L. Browning responded that there are a number of unknowns including quantities, however, it is mainly diesel and other fuel oil. It is not a huge spill, and it does not appear to be heavy fractions of oil that will hang around for long periods of time.

HoE stated that it is not just our intertidal shellfish fisheries that are affected, and we are working with other stakeholders and partner agencies.

Mr. S. Manning asked about the possibility of compensation for the fishers querying if the Authority opens the fishery, but MPHA close it, would the chance of compensation be improved. HoE explained that there were issues around enforcement with doing this and stated that historically the Authority has not opened fisheries without Environmental Health's approval.

Ms. C. Salthouse suggested that the Authority puts out a formal statement saying that the bed would have been open on 30th September 2024 except for the pollution

incident. This would then provide the evidence for the fishers and also facilitate enforcement. The CEO undertook to action this.

Mr. S. Brown stated his main concern is for the Sefton Coast and the fisheries in that area.

Mr. D. Williams asked if there was any guidance available for the recreational, rod and line fishers. HoE responded that MPHA and the FSA are currently looking to provide guidance to recreational and commercial fishers in the area.

Mr. B. Leigh suggested that the Authority liaises with the EA regarding communication and providing guidance.

THE REPORT WAS RECEIVED

11 PATROL AND ENFORCEMENT REPORT (AGENDA ITEM 10)

HoE provided an overview of the report which covers 1st May to 31st July 2024, including updates from around the district.

North Western Protector has undertaken a number of inspections and boarding, patrolling in the HPMa and conducting surveys.

A number of training courses have been undertaken due to the implementation of the Work Boat Code 3 and the introduction of the new database for intelligence reporting.

The new national intelligence database, Clue, replaces the old system of MCSS. The new Clue system is to be used by IFCA's and the MMO to facilitate sharing information and intel between partner agencies.

The new permit database has been implemented. It creates a portal for permit holders to submit returns and assists in the work streams of the admin team. We are now able to report on data around the fisheries particularly Byelaw 3 and Byelaw 4.

Three offences were reported during this period, all breaches of Byelaw 2, involving small amounts of intertidal shellfish gathered and returned to the Leasowe Fishery. There were dealt with by a verbal warning from the officer and no repeat offences have been reported.

Mr. S. Manning raised concerns about mussel fishing at Foulney, referring to Ian Dixon's report and reported that the shrimps that are being found in the Leven Estuary are very small and do not seem to be growing on.

Mr. A. Markley mentioned the shifting sandbanks at Skinburness and the wind turbines and whether this was a contributing factor to the shrimp industry. He has recently attended a presentation on Project Collette, which is a large windfarm between Whitehaven and the Isle of Man.

HoS explained that there is concern over the volume and size of shrimp across the district. Science Officer, Lucy Loud will be investigating this.

Mr. S. Johnston explained that Project Collette and the presentation is just a scoping document and that there is no pre-marine licence. They are currently just looking at the feasibility.

Mr. T. Jones asked for clarification on the access to the information in the Clue database. The HOE clarified that it is a central hub of information, but access is managed carefully.

THE REPORT WAS RECEIVED

12 NETTING BYELAW (AGENDA ITEM 11)

HoE summarised the report on the Netting Byelaw. The purpose of the report was to present the finalised draft and supporting documents including the impact assessment.

Minor amendments were made following discussions that took place in June. The amendments include marking of gear, spatial area map of the Mersey, clarified the wording around the up-stream closures and nil returns at the discretion of the Authority, paragraph numbers were corrected and referenced correctly.

The largest change is to revoke or amend a number of byelaws including some from North Western Sea Fisheries Committee District, Cumbria Sea Fisheries Committee District, National Rivers Authority Byelaws and Dee Byelaws.

The recommendations are:

- a) Members approve the inclusion of historic legacy byelaws
- b) Members approve the making of the byelaw as agreed at the TSB.

Mr. S. Johnston asked for clarification around tags. HoE responded that the gear tags were issued to the permit holder and are transferable. The number of tags are subject to the flexible permit conditions.

Ms. C. Salthouse drew attention to errors in Appendix 2, item 1.d flue net and 1.c sea bed.

Mr. P. Capper queried the gear restrictions, and a mesh must not measure less than 90 mms, asking if we need to include caveats. HoE thinks that this falls in line with enforcement procedures.

Mr. S. Manning asked about the mesh size and that it must not be less than 90mm in relation to whitebait fishing. The Chair explained that the flexible permit conditions could make allowances for this. HoE explained that the TSB agreed to not implement gear methodology under the flexible permit conditions for whitebait fisheries but there is the potential to do that in the future.

Discussion took place around the definition of relevant and non-relevant fishing vessels. CEO explained that routinely in fisheries law, when defining fishing vessels, the term 'commercial' is not used; licensed is used instead. Regardless of whether it is fishing recreationally or commercially, if it is a licenced vessel then a Category 1 permit will apply.

Mr. B. Leigh asked for clarification of the categories.

The CEO responded that Category 1 is a licensed vessel, Category 2 is commercial shore-set nets and Category 3 is recreational (vessel or shore-set).

Mr. S. Johnston queried the process, in terms of the flexible conditions and whether these are scrutinised by the MMO and what is the definition of 26 nets and bycatch.

HoE explained that the initial set are scrutinised and then it will be the committee members that set the flexible conditions.

CEO explained that if the by law is made today then this is the next stage. The Authority need to come up with a definition of bycatch and a decision-making process of how we allocate the 26 nets. The Authority will discuss this over the next 12 months while the byelaw goes through the MMO and DEFRA.

Mr. B. Leigh highlighted the need to educate recreational fishers about the new byelaw.

Further discussion took place around quotas for bass, sole *etc* and the difference between commercial fishing from boats and commercial shore-set nets and recreational fishing. Mr. B. Leigh expressed his opinion that from a conservation perspective we should be looking at this. Mr. S. Ward thinks it will result in extra fishing effort.

The Chair made the following recommendations:

- a) Members approve the inclusion of historic legacy byelaws.
Proposed: Mr. B. Leigh, Seconded: Mr. A. Markley
All in Favour, Abstentions 2

- b) Members approve the making of the byelaw as agreed by the TSB
Proposed: Ms. C. Salthouse, Seconded: Mr. N. Baxter
For: 14, Against: 1, Abstentions: 3

13 CEO REPORT (AGENDA ITEM 12)

The CEO summarised his report. He welcomed new members from both the MMO, Liverpool City Council and Sefton Council and expressed his thanks to the outgoing members.

The Authority is still waiting to receive the CDEL funding of £325,000 from DEFRA.

Discussion took place around the insurance provision and whether it covers members. CEO is to contact our insurance broker and the MMO. Vehicles must have business use insurance.

CEO updated members on the recent staffing changes. Lucy Loud has been appointed to a permanent contract as Science Officer. Robin Love has accepted the RDEL-funded temporary Science Officer role. Christopher Taylor (IFCO) has moved to Barrow and will float between Whitehaven and Barrow.

Adjourned for Lunch at 12pm.

Meeting recommenced at 12:40pm

CEO reviewed the Communications section of his report. There are Byelaw 3 stakeholder engagement events planned for November. The website has been updated, including a Meet the Team section.

There is a formal Performance Management regime for staff with mid-year appraisals are taking place in October. The end of year appraisals will take place in Spring 2025. A staff survey was completed recently and the senior management team will be working with the company that delivered the survey to look at the results.

CEO has commenced reviewing the Byelaw Strategy. At the next meeting, he will bring a proposed updated Byelaw Strategy and look at ways of reducing the time it takes to create a new byelaw.

CEO and the HoS are attempting to strengthen links with Lancaster University, including increasing partnership work and potentially taking two Masters students on placement.

Work is ongoing with the Authority pursuing a joint Regulating Order with Natural Resource Wales for regulating the cockle fishery in the Dee.

Discussion took place around the Byelaw 3 waiting list and young people. There is a meeting of the Byelaw Working Group on 17th October, the agenda will cover the aforementioned Byelaw Strategy and Byelaw 3 specifically, including exploring potential future policies such 'use it or lose it', fast tracking young people, apprenticeships and splitting cockle and mussel permits. However, the Authority must work within its legal parameters, and we are restricted to 150 permits by Byelaw 3 itself. The Byelaw Working Group consists of the CEO, HoE, the HoS, Mr. B. Leigh, Mr. S. Brown, Mr. N. Baxter, Mr. J. Turner and Mr. L. Stainton.

ACTION: CEO and HoE to look at the longer-term vessel replacement strategy.

THE REPORT WAS RECEIVED

14 SCIENCE REPORT (AGENDA ITEM 13)

The HoS summarised her report. The Science Team have completed cockle surveys in Morecambe Bay, completed the Habitat Regulation Assessments (HRAs) to facilitate the opening of the fisheries and undertaken a potting survey in the HPMA. She took members through the results from the surveys and inspections and provided an overview of the work undertaken towards the Marine Natural Capital study.

There are ongoing research projects being undertaken on the Whelk Fisheries in the North West, Shrimp Fisheries in the North West and the HPMA. HoS showed a video of the potting survey undertaken in the HPMA on North Western Protector. She expressed thanks to the Grahams and the crew of NWP who have significantly helped with the potting survey.

Cllr. P. Norris mentioned the Mersey Power Tidal project and that it has moved to the public consultation and initial planning phase. It is a National Infrastructure Project.

Mr. T. Jones asked for clarification of the use of drones. HoS reiterated that there is potential around the use of the drone, however, there are ongoing issues around permissions. It needs time and proper resourcing.

Discussion took place around seed mussel and ephemerality on South America, Foulney and Walney.

THE REPORT WAS RECEIVED

15 HS&W REPORT (AGENDA ITEM 14)

CEO provided a summary of the HS&W report. The Authority no longer uses the services of the H&S Consultant as the information provided was too generalist. A Maritime Safety expert may be consulted on any relevant policies and procedures and their practical application.

Mandatory training has been undertaken to meet the requirements of the new Work Boat Code for North Western Protector.

Medicals have moved to every two years with an MCA-approved GP rather than five-yearly medicals with any GP.

The Authority is working through the policies and procedures on a priority basis. Currently focusing on Lone Working, Sea Going, Vessels and Quad Bikes.

The CEO summarised the near misses, incidents and accidents that occurred during 2024/25 Q1.

Security at all offices has been reviewed following an incident with a stakeholder that occurred at the Carnforth Office.

THE REPORT WAS RECEIVED

16 WHITEHAVEN OFFICE (AGENDA ITEM 15)

CEO provided a brief overview of the report on Whitehaven Office. There is ambiguity over who owns the Whitehaven Office. At the non-quoted meeting in June, the Chair instructed the CEO to send a letter to Cumberland Council with regards to the ownership status of 6 Duncan Square.

The current office is not fit for purpose and a new office has been identified across the road. It has a good strategic location and is on the quayside at Whitehaven. The new owner has put in an application to make alterations to the external of the building as it is in a conservation area.

Mr. B. Leigh queried how the figure of £80,000 had been reached. CEO confirmed that the figure had been done in consultation with our Facilities Manager but is still an estimate. The £80,000 is also for the move as well as the refit. The proposed lease at the new property is for up to ten years but nothing has been signed as yet.

The recommendation was amended to include 'a maximum of'.

Recommendation:

Members give the CEO formal approval to pursue a lease at Marlborough Street and ring fence a maximum of £80,000 of General Reserves to fund the move and refit.

Proposed: Cllr. S. Clarke, Seconded: Cllr. A. Markley, all in favour, carried.

Abstained: 1

17 ANNUAL REPORT 2023/2024 (AGENDA ITEM 16)

A number of small amendments have been made to the report following feedback from members.

A further amendment needs to be made changing Cllr. S. Brookes to Cllr. J. Hugo.

Proposal: To publish the report

Proposed: Cllr. S. Clark, Seconded: Mr. T. Jones, all in favour, carried.

18 PROPOSED CHANGES TO MEETING DATES 2025-2026

Discussion took place around the dates and days of both Full Authority and TSB meetings to facilitate better attendance at Authority meetings. F&P meetings will continue to be held on Teams. No other meetings can be held on Teams as they are public meetings. It was suggested that the ETSB meetings are planned in so that members can plan their diaries in advance. It was noted that ETSBs can only cover one issue.

ACTION: Admin Team to contact councillors to see which day is best for meetings to be held on.

19 ANY OTHER BUSINESS (AGENDA ITEM 15)

Discussion took place around commenting on the papers prior to meetings, contacting members of the Authority and members of staff, confidentiality and GDPR.

The Chair thanked members for their attendance and closed the meeting at 14:15.