

48 AT A MEETING OF THE NORTH WESTERN INSHORE AND CONSERVATION AUTHORITY
HELD AT TRUCKHAVEN, CARNFORTH, 24th MARCH 2022

PRESENT – MEMBERS

Dr J. Andrews	Vice Chair	MMO appointee
Councillor A .Markley		Cumbria County Council
Councillor M. Wilson		Cumbria County Council
Councillor S. Clarke		Lancashire County Council
Councillor S Mountney		Wirral Council
Mr B. Leigh		MMO appointee
Mr R. Lomax		MMO appointee
Mr L. Stainton		MMO appointee
Mr P Capper		MMO appointee
Mr S. Brown		MMO appointee
Mr N Baxter		MMO appointee
Mr R. Donnan		MMO appointee
Ms C. Salthouse		MMO appointee
L. Browning		Natural England

IN ATTENDANCE

Mr & Mrs C Andrews

NWIFCA OFFICERS ATTENDING

CEO, Head of Enforcement (HOE), Finance Officer FO, Senior Scientist, Clerk.

APOLOGIES FOR ABSENCE

Councillor P Williams	Cheshire West and Chester Council
Councillor J Parr	Lancashire County Council
Mr K Thompson	MMO appointee
Mr W Friend	MMO appointee
Mr R Benson	MMO appointee
Dr C Mihailovici	MMO appointee
Mr D Harpley	MMO appointee
Mr M Taylor	MMO

49 CHAIR'S ANNOUNCEMENTS (AGENDA ITEM 1)

In the absence of the Chair Cllr Williams, the Vice-Chair took charge of proceedings. The Chair welcomed Mrs Irene Andrews, the previous clerk and her husband. Who had retired during covid lockdown.

Members were reminded to sign the attendance register, and complete the declarations slips provided.

50. DECLARATION OF INTERESTS (AGENDA ITEM 2)

Declaration slips have been submitted to the clerk from Mr Manning for agenda items, 7 and 9, and from Mr Stainton for item 7a.

51 MINUTES OF MEETING 9th DECEMBER 2021 (AGENDA ITEM 3)

The Chair proposed that following a typographical error being corrected and the inclusion of Mr B Leigh in the attendance records the minutes were a correct record and should be signed.

Proposed: Mr P Capper, Seconded Councillor Wilson. All in favour, carried.

52. MATTERS ARISING (AGENDA ITEM 4)

Mr Manning reminded HoE to forward details of dredging returns for the 2021 seed mussel fishery in Morecambe Bay.

53. FINANCIAL REPORT (AGENDA ITEM 5)

The Finance Officer presented the report which recommended a change to bank signatories, the reappointment of Moore and Smalley as independent auditors for 2021-22 and the risk assessment be reviewed. It was also reported that Moore and Smalley had visited Carnforth office on March 9th 2022 to conduct the delayed audit for 2019-20 and 2020-21.

RESOLUTION 1: TO ACCEPT THE REPORT AND APPROVE BUDGET REVIEW TO DECEMBER 2021

Proposed: Councillor Wilson, Seconded: Councillor Markley. All in favour. Motion carried.

RESOLUTION 2: TO ADD AND REMOVE BANK SIGNATORIES: It was resolved that The Authorised Signatories in the current mandate, for the accounts detailed in section 1.3, be changed in accordance with section Authorised Signatories, And the current mandate will continue as amended.

Proposed: Councillor Wilson, Seconded: Councillor Markley, All in favour. Motion carried.

RESOLUTION 3: THAT MOORE & SMALLEY LLP BE APPOINTED AS EXTERNAL AUDITORS FOR 2021-22

Proposed: Councillor Markley, seconded: Councillor Wilson. All in favour. Motion Carried

RESOLUTION 4: THE RISK ASSESSMENT BE APPROVED

Proposed: Councillor Wilson, seconded: Councillor Markley 13 in favour, 1 abstention. Motion carried

The Chair of the meeting reported that the Chair of the Authority had suggested that it would be appropriate for the auditor's report to be formally presented to the next meeting of the Finance and HR sub-Committee. This proposal was unanimously agreed.

.54. TSB MEETING 1ST FEBRUARY 2022 (AGENDA ITEM 6)

Mr B Leigh gave a brief report on the meeting of the TSB. Mr Leigh had been elected as Chair of the TSB following the resignation of Dr Emily Baxter in January and asked that a formal letter of thanks and recognition of service be sent by the Authority to Dr Baxter.

Outputs from recent survey work had been discussed, and both Leasowe and Newbiggin fisheries were to remain closed.

Mr Leigh remarked that due to changes in the marketplace resulting from Brexit it would be appropriate for the Authority to review its management approach, both in terms of science and fisheries regulation. It was important that as a local fisheries management body funded

by local authorities the Authority should show that it is responsive to changes in both marine resources and socio-economic circumstances that affect the livelihood and viability of businesses in the District. In this regard it was noted by Mr Manning (who declared an interest) that the MLS for mussels was presently an impediment to fishing activity, and that reducing this from 45mm would be a great help to fishermen. The CEO indicated that changes of this nature, where permissible under IFCA byelaws, need to be carefully evaluated and would be a matter for the TSB sub-committee to consider.

A request had been made for the survey schedule to be reviewed so commercial fishers can adapt to the domestic market. The Senior Scientist had circulated her recommendations via email which had been approved. Mr Manning had reported that there was a demand for Class B mussels and a substantive quantity of cockles had been located at Southport.

Byelaw 4 the new potting byelaw had also been discussed and its approval by the Secretary of State was imminent, application details had been sent out for Class 1 permits. Mr Stainton, declared an interest in this item but asked if the permit fee would be pro-rata due to the dates of the season.

RESOLUTION: THAT THE AUTHORITY SEND A LETTER OF THANKS TO DR BAXTER.

Proposed: Mr B Leigh. Vote: All in favour, Motion carried.

TSB VACANCY (AGENDA ITEM 6A)

Following the recent resignation of Dr Baxter a vacancy had now arisen on the sub-committee. Standing Orders permits the authority to appoint an interim member prior to the election of the full committee in June. With no other changes to membership since June 2021, Mr N Baxter was the member with the most votes who was not appointed. All agreed that it was appropriate for Mr N Baxter to be appointed to the TSB.

55 PATROL AND ENFORCEMENT REPORT (AGENDA ITEM 7)

Head of Enforcement presented his report and invited questions from the floor.

IFCO Phillip Greenop had recently joined the Authority as engineer for North West Protector, it was reported that his experience in his previous role in the Royal Navy and enabled him to make an excellent start.

HoE gave an update on byelaws currently awaiting sign off by the Secretary of State. The MCRS byelaw is currently sitting with MMO legal team for further checking but no issues are anticipated. Drafting of the new netting byelaw remains ongoing.

It was reported that enforcement issues had been relatively quiet but the Authority had recently had a successful prosecution for offences at Heysham Bass Nursery, which had become a 'hotspot' of illegal activity.

Councillor Mountney sought clarification on the situation at Leasowe now the emergency byelaw had expired. It was reported that ministerial sign off had been applied for and could come at any time. In the interim there are provisions under Byelaw 3 to aid the authority in its enforcement duties in respect of cockles and mussels at Leasowe. It was suggested and agreed that the Chair write to the Minister and the local MP to help expedite the process.

HoE stated that the Master of the Vessel had now returned to duties and that North West Protector was now operational, the Chair requested that any periods of inactivity of NWP be included in future reports.

A lengthy discussion took place regarding the replacement of Protector Bravo, details of which were included in the annexed report. HoE explained that the changes in pot sizes and weights had made Protector Bravo no longer fit for inspections of large pots. Quotes have been received for a replacement rib or GRP vessel. Quotes were significantly higher than expected for a hybrid vessel, in the region of £390,000. Officers felt this extra cost could not be justified and recommended not to proceed with a hybrid vessel. It was reported that the cost of an independent marine coding survey to oversee the build would be in the region of £7000.

Mr Brown commented that previous advice received was that although the Authority had powers to haul pots that they should not be lifted and inspected at sea as damage could be caused to the pots when resetting them, resulting in legal action against the Authority, he also sought clarification on the qualifications attained by IFCOs to conduct this activity. Mr Stainton queried the necessity of the survey work and voiced concerns over the spending of public funds. HoE stated that the Authority had a duty and powers to haul and inspect pots under MACCA and IFCOs were trained in lifting pots safely by the Master of the Vessel. Mr Brown commented that the authority had previously had its fingers burnt when purchasing vessels and suggested that experimental technology be left to others to pursue.

RESOLUTION TO RECEIVE THE PATROL AND ENFORCEMENT REPORT AND REVISIT SPECIFICATION REQUIREMENTS FOR NEW VESSEL AND BRING BACK TO NEXT MEETING OF FINANCE & HR

Proposed: Mr Capper, Seconded: Mr Leigh. 13 in favour, 1 abstention. Motion carried.

56 BYELAW STRATEGY WORKING GROUP (AGENDA ITEM 7B)

A report on progress was presented by the Chair. This Group had identified a goal of establishing a single suite of NWIFCA byelaws within 5 years, to replace the existing suite of 47 byelaws from 5 separate organisations. Good progress had been made early in the year, but the meeting scheduled for March had been cancelled. A further meeting would be scheduled for the end of April.

RESOLUTION: TO ACCEPT THE REPORT

Proposed: Councillor Markley, Seconded: Mr Leigh, all in favour. Motion Carried.

57 BASS SI (AGENDA ITEM 7C)

CEO briefed the meeting on the Bass SI Report. As stated at a previous meeting the imposing of this SI had created a significant number of issues which were proving extremely difficult to resolve, DEFRA however, had said it was not feasible to revoke this SI due to the wider policies agreed with the EU. Mr Browning agreed that this was a very messy situation with no good short term option.

Following a meeting with DEFRA on February 2nd 2022 the following options were considered for resolving the problems:

i. A NWIFCA permitting byelaw to provide 26 permits as specified in the SI. We estimate that such a byelaw would take a minimum of 2 years to bring into force and be strongly opposed by NGO seeking to curtail fishing for bass.

ii. Issue of a byelaw as above quickly as a NWIFCA emergency byelaw, however we consider such a byelaw would not qualify as an emergency and would be opposed by NGO as above.

iii. With both the above options looking impractical, urgent development of a bass management plan was considered. A plan would be written under the new Defra objective to produce fisheries management plans (FMP) for important commercial fisheries in English waters.

Responding to a question from Mr Lomax, HoE stated that we were not in the same predicament as other IFCAs, for example in North East they have a byelaw for catching bass, whereas the SI relates to bycatch. Wales as a devolved nation is easier to resolve. Mr Leigh asked in view of the issues can DEFRA issue a separate SI to aid IFCAs, but this was not feasible.

RESOLUTION: TO ACCEPT THE REPORT; EXPLORE OPTIONS MENTIONED AND CHAIR TO SEND A LETTER TO THE MINISTER ASKING THAT A SOLUTION TO THE PREDICAMENT IS URGENTLY IDENTIFIED

Proposed: Mr Leigh, Seconded: Ms Salthouse. All in favour. Motion carried.

Before breaking for lunch the Chair led tributes to Mrs Irene Andrews the retired clerk and thanked her for her exemplary service to the Authority for over 30 years. CEO also paid tribute and a presentation was made.

58 CHIEF OFFICERS REPORT (AGENDA ITEM 8)

CEO reported that following the lifting of Covid restrictions officers had returned to working normally from the end of February. He extended grateful thanks to Mr Trevor Agnew, engineer for North West Protector, who resigned in October 2021 but remained in post until January 2022 to ensure a smooth handover. Mr Phillip Greenop ex Royal Navy has since been appointed. There is currently one vacancy for a science officer and recruitment is underway.

CEO updated members on a recent meeting of AIFCA. There had been no further announcement relating to the SR21 funding bids but DEFRA have indicated support for a 3 year provision of New Burdens Funding for IFCA.

A report by AIFCA Chief Officer gave details of on KPI and Metrics monitoring of IFCA by DEFRA, this is expected to be a significant area of work for the Association in coming months. He directed members to the Association website for further information. CEO also informed members that the local Maritime Museum had visited the Carnforth Office and spent time with the Digital Communications Officer and it was felt there was sufficient documents and artefacts etc. to be worthy of an exhibition. It was also felt that the transfer into their care of the archives would mean they would be better preserved in an environment suited for the purpose.

Mr Capper asked the CEO about the implications of Local Government reorganisation in Cumbria for the future funding of the Authority. The CEO stated that NWIFCA had not been told officially about this change at all or asked about anything. Councillor Markley from Cumbria County Council said he had mentioned this change at previous meetings. He updated the Authority about Cumbria County Council and its upcoming division into 2 unitary authorities. These new authorities would become operational on 1st of April 2023. Shadow councils will be elected this May to aid transition. It was noted that Cumbria County Council

currently provide over 40% of the IFCA's funding. Mr Leigh proposed that the Authority should contact the new Councils to alert them to the role of NWIFCA and the need to maintain funding from them. The Head of Finance said that Cumbria County Council had been in touch to enquire about how the current levy had been calculated, so this issue was on their radar. The HoF had been uncertain how to respond to this enquiry or how the original levy was calculated (for instance using a combination of coastline and number of ratepayers). There was a lengthy discussion of these items at the meeting. It was agreed that NWIFCA should approach the new authorities at an early stage to ensure that they were aware of the need to continue funding and for them to allocate the funding burden for NWIFCA between themselves.

The Chair enquired whether the CEO had progressed the Dispensation Scheme, which the CEO had indicated in his December report that he would update and present to this meeting. The CEO stated that he had not made any progress and that this was still on his "To Do" list. Mr Leigh reported that he had corresponded with the CEO on this matter, and that they had been unable to reach agreement on how to proceed. Mr Leigh had suggested to the CEO that he should take legal advice on this matter. The CEO was uncertain how to proceed, and was aware of the risk of the Authority and its Members being placed in a difficult position; however formalising the arrangements could make the situation more difficult. Mr Brown noted that there were many interest groups and specialists present at the meeting whose views and input were important, but all should be reminded of their duty not to further their own interest at IFCA meetings. After a discussion on points of detail, Mr Leigh stressed that the Localism Act created statutory obligations that he felt could only be adequately met through a Dispensation Scheme, and also stressed that legal advice was needed. All agreed that the CEO should raise these issues with AIFCA and report progress to the next meeting.

The report was received.

59 SCIENCE REPORT (AGENDA ITEM 9)

The Senior Scientist presented the report for information.

She reported that work was well under way setting up the administration of the new Potting Byelaw, also gave thanks to members who had volunteered to sit on the appeals panel for the Whelk track records.

Mr Manning requested further details of quantities of mussels at Heysham so classification could take place if required. He also reported that a significant amount of mussel at the Duddon had washed away and advised that fishers were likely to ask for a reduction in the minimum landing size. CEO offered to conduct a consultation if deemed necessary. It was recommended to raise this matter at the next meeting of the TSB.

RESOLUTION; TO RECEIVE THE REPORT

Proposed: Councillor Clarke, Seconded: P Capper all in favour. Motion Carried.

60 ANNUAL PLAN 2021-22 MONITORING Q3 (AGENDA ITEM 10)

The CEO presented his report. There was no further discussion.

RESOLUTION; TO RECEIVE THE REPORT

Proposed: Councillor Markley Seconded: Ms Salthouse all in favour, Motion Carried.

61 ANNUAL PLAN 2022-23 DRAFT (AGENDA ITEM 11)

CEO presented the draft plan, which lead on to the next item on the agenda. No further discussion, and no vote recorded.

RESOLUTION TO RECEIVE THE DRAFT PLAN

Proposed: Councillor Markley, Seconded: S Brown, all in favour. Motion carried

62 ANNUAL PLAN WORKING GROUP (AGENDA ITEM 12)

The Chair updated the members on progress in developing a new format Annual Plan. He acknowledged the work done by officers involved to assist the production of the text for a “glossy” version of the existing Annual Plan. The Senior Scientist reported that since circulating the papers, a quote had now been received from a local graphic design company to produce this document.

The Chair reported that the intention of the Working Group was to work on developing a new format of Annual Plan for the 2023-24 FY. It was understood that the Association of IFCA and MMO are currently seeking to revise IFCA performance indicators and objectives at the national level, and it was agreed that it would be appropriate to liaise with the Association of IFCA and MMO to ensure that local and national level objectives are compatible.

RESOLUTION; TO RECEIVETHE REPORT AND CONTINUE WITH THE PROJECT

Proposed: Mr B Leigh, Seconded: Mr N Baxter all in favour. Motion Carried.

63 AMENDMENTS TO THE CONSTITUTION (AGENDA ITEM 13)

At the meeting of the Authority held on 9th December it was agreed to amend the constitution Ch1 Standing Orders S.9.33 be amended to read:

No resolution agreed by the Authority will be reconsidered within 6 months of the date the decision was made and no resolution agreed by a sub-Committee will be reconsidered within 6 months except in response to a direction from the Authority.

RESOLUTION TO ADOPT THE CHANGE AND AMEND THE CONSTITUTION

Proposed: Mr B Leigh, Seconded: Mr P Capper, all in favour. Motion carried.

64 RPA REVIEW (AGENDA ITEM 14) – THIS ITEM WAS CONFIDENTIAL AND MEMBERS OF PUBLIC EXCLUDED

The Chair gave a brief outline and update on the RPA review on Governance and Procedures,

North West Employers were appointed to support the Authority through this process in December 2021. Stage one of their process was to validate the accusations made in the RPA review. They have obtained permission from RPA to contact participants of the review and obtain any records held. If NW Employers found any substance to these complaints they would report this to the Authority before proceeding to a second stage of the work.

The Chair reported that NWE had been very slow to start on this important work and that this was a matter for concern for both Officers and Members of the Authority. The Chair of the Authority, Mr Williams, has contacted Mr Mark Wynn, S151 Officer at Cheshire West and Chester Council (who is acting as point of contact for this project on behalf of the Authority), to chase this up and to enquire about deadlines for reporting back.

All were concerned about the slow rate of progress. At this point it was felt to be more expedient to proceed with NW Employers as the contractor for this work rather than terminating the contract and starting again, a process that itself would take time. In any case, it was felt that any fees paid should be proportionate to the work carried out.

At a recent meeting of the Finance and HR committee it was agreed to appoint Mr P Capper as an Employee Engagement Champion, this comes as a result from recent staff meetings and at officer's request. Mr Capper gave a brief overview of his role, to act as a mediator between officers and management, and requested the clerk circulate his Terms of Reference to all members.

The Finance Officer commented that although this appointment was welcomed, it should not replace the grievance and complaints procedures already in place. Mr Capper would report his findings directly to the Chair and the Finance committee.

65 ANY OTHER BUSINESS (AGENDA ITEM 15)

Mr Manning queried members expenses commenting that these had not been updated for some time and that the fuel rate should be set at 0.45p per mile, this was concurred by several members. It was agreed to raise this at the next Finance committee meeting.

The Chair thanked members for their attendance and closed the meeting at 14.40,