

57 AT A MEETING OF THE NORTH WESTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY held via Zoom on 18th March 2021

PRESENT – MEMBERS

Councillor P. Williams	(Chairman)	Cheshire West and Chester Council
Councillor T. Markley		Cumbria County Council
Councillor M. Wilson		Cumbria County Council
Dr J. Andrews		MMO Appointee
Dr E. Baxter		MMO Appointee
Mr N. Baxter		MMO Appointee
Mr B. Leigh		MMO Appointee
Mr S. Brown		MMO Appointee
Mr L. Stainton		MMO Appointee
Mr W. Friend		MMO Appointee
Mr T. Jones		MMO Appointee
Mr R. Benson		MMO Appointee
Mr L. Brown		MMO Appointee
Mr K. Thompson		MMO Appointee
Ms C. Salthouse		MMO Appointee
Mr S. Manning		MMO Appointee
Mr M. Taylor		MMO Appointee
Mr G. Pidduck		MMO Appointee
Mr S. Manning		MMO Appointee
Mr L Browning		Natural England

PRESENT - OFFICERS

CEO, Finance Officer (FO), Head of Enforcement (HOE) ,Acting Senior Scientist (SS), Digital Communications Officer (DCO), Office Manager – Whitehaven, IFCO Thinnesen, Clerk

Ms. E. Claibourne -RPA

APOLOGIES FOR ABSENCE

Mr D Harpley MMO, Mr G White, Sefton Council

58 CHAIRMAN'S ANNOUNCEMENTS (Agenda Item 1)

The Chair reminded members in future to email the office about prejudicial interests and to declare any interest before speaking on an agenda item.

He also welcomed Ms Alison Nicholson, new clerk to the Authority.

59 DECLARATIONS OF INTEREST (Agenda Item 2)

Agenda Item 7: Mr Wayne Friend
Agenda Item 10: Mr Steve Manning
Agenda Item 10: Mr Trevor Jones

60 TO RECEIVE MINUTES OF THE NWIFCA QUARTERLY MEETING HELD ON 10th December 2020 (Agenda Item 3)

Dr Baxter said the minutes of the September meeting were not seconded on page 2. The chair said he would follow up. The CEO said members proposing or seconding should state their intentions very clearly. The Digital Communications Officer confirmed there is a video of the meeting available.

Dr Andrews noted that direct quotes had been attributed to individuals. It would be more appropriate if the third person were used throughout in all future minutes. The Chair agreed.

Proposal to receive minutes of the NWIFCA Quarterly Meeting held on 10th December 2020.

Proposed: Dr Andrews

Seconded: Councillor Markley

RESOLVED

61 MATTERS ARISING (Agenda Item 4)

Mr Leigh raised recruitment and asked if there had been any progress of asking local authorities to include vacancies their jobs bulletins. Councillor Wilson confirmed that posts were now being advertised on the Cumbria County Council website. The CEO said that Lancashire County Council and some other authorities had said no. The chair suggested approaching Cheshire West & Chester Council.

62 REPORT ON FINANCE AND PERSONNEL SUB-COMMITTEE 17 March 2021 (Agenda Item 5)

Chairman of Finance and Personnel, Councillor Markley outlined discussions of the sub-committee, which had welcomed new member Dr Andrews also Ms Nicholson as clerk.

Cllr Markley said the annual external audit is no longer a statutory requirement and will be completed in 2021-22 subject to Covid restrictions. He added that exit interviews are carried out by IFCA officers if required. Turnover in the science team was discussed and it was decided that the Chairman of the HR Committee would undergo the interview process with the officers (or the Vice chair/Chairman of the Authority if he is not available). Councillor Markley confirmed there was sufficient money to purchase the new vessel that is lower down on the agenda for the current meeting and that all the levies have gone out to councils.

The Chair commented that it was a successful meeting, which dealt with a number of issues satisfactorily.

63 FINANCIAL REPORT (agenda item 6)

The Chair queried the last sentence on page one of the report and asked if the figures therefore have nine months actual and three months of the budget. The Finance Officer confirmed this was correct because the levy comes in at the beginning of the year and a quarter of the levy still has to be spent at the end of December. She confirmed the surplus would be roughly £118,000 plus the vessel fund of £121,000.

The Finance Officer repeated Councillor Markley's comments that the sub-committee had agreed the next audit would be undertaken for two-years.

Councillor Markley asked for clarification on the vessel fund. Finance Officer explained that money does not come out of the vessel fund if it is at all avoidable, the only reason she could see to dip into it would be a large, unexpected repair for North Western Protector.

Dr Andrews flagged up the inflation rate as something to be considered moving forward. The Chair noted in response that although inflation was currently lower, in previous years when inflation had been higher the levy had been two percent so there was an element of balance. The F.O agreed and explained that councillors can decide not to ask for two percent if they come from the council with an instruction not to.

In response to a question from Mr Brown, the F.O confirmed that in future years, there would be a return to annual audit and the two-year audit was in response to exceptional circumstances.

Proposal that the budget review to 31st December 2020 is approved.

Proposed: Councillor Markley

Seconded: Mr Friend

RESOLVED

Proposal that Moore & Smalley LLP are appointed as independent auditors when government restrictions permit.

Proposed: Councillor Wilson

Seconded: Mr Markley

RESOLVED

Proposal that that the risk assessment attached to the financial report is reviewed and approved.

Proposed: The chair

Seconded: Councillor Markley

RESOLVED

64 PATROL AND ENFORCEMENT REPORT (agenda item 7)

The HOE said that As a result of Brexit the MMO had requested patrols around the New Year. These had been completed using North Western Protected with no issues detected.

The HOE also reported prosecutions related to bass offences at Heysham Bass Nursery Area (a historically problematic area for unsustainable angling practices) resulting in well-received press releases. He outlined the details of some of the prosecutions which highlighted a no tolerance approach to repeat offending and threats against officers.

HOE emphasised the impact of Brexit on the fishing industry, particularly in the North West, with exports being reduced to very low levels. He underlined efforts to communicate with Defra and the MMO to act as a conduit with the fishing industry.

Face-to-face training had been halted by COVID but some training had continued on the accreditation scheme. HOE highlighted IFCO Thinnesen's achievement in being one of the first IFCOs in the UK to almost achieve full accreditation. Online learning will replace the Torquay training course, which was unable to proceed in January/February. He discussed Byelaw 3 reporting and suggested that the low figures highlight the effect of Brexit.

Mr Brown asked for clarity as no mussels had been reported landed on the Ribble Fishery and he was due to restart sampling in the area when possible. HOE confirmed that as far as he was aware the area was not closed but compared to other fisheries in the area effort there was minimal and unfortunately progress very slow. Later in the meeting Mr Benson added that he had received a message from another fisherman who was trying to get the mussel sampling back on track but was not able to get hold of the person he needs to speak to. Mr Benson suggested Mr Brown contact him directly. Mr Brown confirmed it was West Lancs Council that needed to be spoken to.

Councillor Wilson asked if there had been any response from Defra that made their position clear and if people employed in the industry were facing hardship. The HOE said that meetings were ongoing but he was unable to clarify the Defra position. Money had been made available by the MMO to support fishermen but difficulties were being faced by Byelaw 3 permit holders as self-employed individuals as opposed to registered businesses who do

not meet the criteria for assistance. HOE noted that he had advocated on their behalf to the MMO.

Mr Leigh praised the efforts of the team in the Heysham Bass Conservation Area. He asked if the convictions were related to illegal recreational or commercial bass fishing. HOE clarified it was a mixture of both. Mr Leigh suggested additional communication and engagement to convey the message that no fishing is allowed in the area. HOE confirmed that the area has more signage than anything ever done for a Byelaw before and the people committing the offences seem content to walk past the signs and conduct the activity illegally regardless of them.

Mr Baxter commented that he had attended court as the officer in charge for the most prolific offender. A criminal behaviour order had not been possible but he had been issued a fine and was still on the radar and that if any reoffending occurred in 12 months the penalties would be more severe. He added that efforts were being made to find out who owns the sea wall because putting a fence there would improve the situation. HOE thanked him for his contribution and efforts.

Mr Benson asked if written evidence of the communications regarding Brexit could be provided. Mr Benson raised the possibility of also looking into Mandy Knott's communications on the matter (she has since left the Authority).

Mr Brown asked if there was any extra help available to relieve the problems of self-employed fishermen and HOE confirmed attempts to assist had been ongoing for many years.

Mr Friend thanked officers for their efforts at Heysham Bass Nursery and declared an interest as a resident of Morecambe. He said that while the majority of anglers are responsible they on the whole understood the need for restrictions because of the actions of a minority, and that the individuals causing the issues are now mostly repeat offenders. He highlighted his concern that a sea wall would not stop the issue as the area would still be accessible and it would cause a backlash from the public who use the area for walking, dog walking and bait gathering.

Mr Manning asked why the inshore fishermen are not permitted to land bass. Mr Taylor confirmed that Defra has rolled over the 2020 regulations in 2021. He said Brexit is seen as an opportunity to make more regional and national regulations around fisheries but it has only been eight weeks. He encouraged anyone unhappy with the regulations to put those in writing and pass them to Defra or their local MP as MMO cannot do anything about these issues.

Mr Taylor continued, commending the team for their work around the Heysham area but expressing concern that restricting access to the sea wall would adversely affect innocent members of the public. He stated that the MMO are administrators of the fund to assist fishermen/exporters and Defra have set the criteria. He said that unfortunately there will always be businesses and individuals that fall outside schemes such as this but he was happy to put across any concerns to Defra.

The Finance Officer suggested a petition on the website to encourage parliament to debate the shellfish export problem. Dr Andrews commented that it was a nice idea but would need 10,000 signatures to be debated and there probably were not enough shell fisherman to reach this number. The chair suggested there might be a considerable amount of public support to take into account. Dr Andrews further commented that there was a general public attitude that the fishermen voted for Brexit so they have to deal with the consequences (he underlined that this did not reflect his own views). Mr Benson commented that various meetings (he mentioned George Eustice and Victoria Prentis) had been unfruitful. The FO said she still thought a petition was a relevant option.

Resolution to accept the Patrol and Enforcement Report.

Proposed: Mr N Baxter

Seconded: Mr L Stainton

RESOLVED

The chair reminded participants in the meeting to use the “blue hand” function in Zoom to signal an intent to speak and explained how to use this.

65 WHITEHAVEN RIB REPLACEMENT (agenda item 8)

The HOE updated as to the replacement process so far. The £200,000 estimate to replace Protector Bravo exceeded the threshold for tendering officers (assisted by marine surveyor Nigel Ling) had put together a tender specification and will seek tenders. .

Councillor Markley expressed full agreement with the document.

Mr Leigh asked for clarification on the specifications of the freeboard. IFCO Thinnesen clarified the specifications.

Mr Stainton wanted to clarify points about the accommodation and heads. HOE confirmed there was no accommodation and the specification does include a head (point 20).

Proposal to accept items one and two of the report (that the report is received and secondly that officers are instructed to continue with the tender process as required for the procurement of a vessel of this size and cost.)

Proposed: Councillor Markley

Seconded: Mr Jones

RESOLVED

66 CEO REPORT AND BYELAW UPDATE (agenda item 9)

Regarding the personnel section, CEO stated that four applicants for membership passed the MMO board to be appointed and conditional offers sent out. Mr Trevor Jones' term has been extended by three months by special request to the MMO so that he can continue his work on the review of policy, procedures, and governance. CEO confirmed the departure of Melanie Hartley and wished her every success in her new post at Natural England. He further stated that Jon Haines has been promoted to acting senior scientist following Mandy Knott's departure and recruitment for the senior scientist post is ongoing. IFCO Matthew Carroll has joined as a member of the science team and is undergoing training, along with Elliott Waltho who transferred from the enforcement team.

Regarding communications CEO stated that the Save our Seabass dispute was resolved with a withdrawal of the accusations and apology.

CEO mentioned the the prohibition on the export of live shellfish to EU following Brexit and the issues this has caused in the industry

CEO explained the role of the MAFCO committee (a regular meeting between chief IFCO officers and Defra officers) and he drew the meeting's attention to page 4 of his report, stating that Defra now want IFCA's to concentrate work on fisheries management plans.

Regarding the FO suggestion of a petition, Mr Benson asked if the CEO could try to get backing from the rest of the IFCO CEOs to see what support was available for the idea. The CEO agreed. Mr Benson outlined the negative effects in other areas of the country and the limitations on markets causing a drop in the value of products. He also commented that the

Defra funds distributed by the MMO were extremely hard to access despite the disruption to the industry.

Dr Andrews stated his view that it is not appropriate for IFCA to adopt a lobbying position and stray into political territory, despite the seriousness of the issue. Mr Taylor strongly agreed and highlighted that the issue is on the European Commission side and they would be setting a huge precedent by exempting the UK.

The CEO agreed that if there were to be a petition it would have to come from industry primarily. He urged the need to watch and wait for the opportunity of the sector to jump in and make their position known.

Dr Andrews asked if the alert that IFCA gave to Defra in early 2020 could be circulated to members of the Authority without a FOI request. Later on Mr Jones concurred with this and asked in what form and how quickly this could be done as it was absolutely core to the upcoming dispute with the EU.

Ms Salthouse expressed the view that Europe would take an antagonistic view on Brexit to avoid further EU members leaving so there would be no easy solution to this problem. She asked if through industry links pressure could be applied within Europe by the people who were previously buying the mussels and who are now not getting their supplies. She also raised whether depuration centres could be looked at as a long-term solution. The CEO replied that depuration in the UK is not viable as it reduces the shelf life of the product.

The Finance Officer queried the proposition that the organisation should not champion the cause of fishermen and expressed the view that more could be done.

Mr Jones said no amount of lobbying would change anything as the positions are now too entrenched and we are a third country with no say.

Councillor Markley sought to balance the political and economic aspects and suggested that a letter could be sent from the committee, without getting into opinions, to reiterate to government the concerns of the fishermen.

The CEO confirmed he was happy to draft a letter along those lines if somebody proposed it. He also said with regards to communications with Defra, searches would be made through the science, chief executive's, and wider Authority papers to see what can be put together.

Dr Andrews expressed agreement with Councillor Markley and stressed that the letter should focus on the facts of the matter and not stray into political matters. Mr Leigh also underlined that the IFCA needed to be careful not to exceed its statutory remit and he was happy to support the proposal if the need for neutrality was taken into account. Councillor Markley responded he fully understood the need to stay away from politics.

Mr Taylor queried who the letter would be sent to. Councillor Markley stated he thought Defra and government. CEO said he would direct the letter to George Eustice or Victoria Prentis as environment ministers, but also a copy of senior Defra officials. Councillor Markley added he thought Tony Tomlinson, Chairman of the National IFCA should be included and the CEO agreed.

Proposal for the Chief Executive to write a letter stating at the last meeting of the North West IFCA, fishermen reported concerns about the fishing industry on the North West coast and its economic viability.

Proposed: Councillor Markley

Seconded: Dr Andrews

RESOLVED

CEO added an update on byelaw approval. Byelaws 3 and 4 were in the final stages of approval at the MMO with answers expected back on 25th March and 31st March respectively. The MCRS Byelaw and the Leasowe Byelaw had passed public consultation stage and were being prepared for submission to the MMO.

Proposal to accept the Chief Executive's Report.

Proposed: Councillor Markley

Seconded: Ms Salthouse

RESOLVED

67 SCIENCE REPORT AND 2021 COCKLE FISHING SEASON (AGENDA ITEM 10)

The Acting Senior Scientist outlined the early enactment of the St Bees head Code of Practice following large numbers of guillemots spotted by the North Western Protector crew.

He drew members' attention to Annex A which discussed options around the NWIFCA cockle closed season at the request of the February TSB meeting.

The CEO noted that action cannot be taken on this issue at this moment in time and stated that there were a number of representations in response to this report that fishermen would be divided on whether they wanted the closed season altering.

Mr Manning declared an interest in this agenda item as a semi-retired Byelaw 3 fisherman. He proposed bringing forward the opening of the cockle beds on Pilling to either July or August subject to surveys showing adequate stocks. He reasoned that with no live exports, there is a market for cockle meats in Europe and the best time to extract meats is during the summer. Dr Andrews strongly agreed and said that in response to the export situation the IFCA should use the powers that it has to shift the closed season in such a way to support local fishermen.

Mr Brown stated that the byelaw needed to be reviewed to see if it was appropriate for the whole district (originally it was designed with only Morecambe Bay in mind) and was a much bigger issue than just the current problems with export.

Mr Manning added that the cockles at Pilling are seasonal classification C so cannot be used for the live market anyway.

The acting SS stated that a significant amount of data on stock is required before any opening of Pilling. In response to Mr Brown's comments on the appropriateness of the byelaw he highlighted current staffing restrictions as a barrier to future work on Byelaws. Picking up on the staffing issues, Dr Andrews asked if there were sufficient contingency plans in place to deal with that situation, and if there was anything that anyone could do to assist. The SS stated it depends what changes are proposed to the cockle closed season. Dr Andrews clarified that he meant more widely. SS confirmed the surveys were undertaken last year with three science officers so the team were probably capable of doing it this year with three. He welcomed any offers of help but highlighted again that any work as a result of changes to the cockle closed season could potential impact the timetable for other surveys.

Mr Manning expressed concern with the way surveys were planned, particularly highlighting repeated trips to South America six times between March and June, which he deemed unnecessary. He urged the science team not to waste any time on unnecessary surveys.

Mr Jones declared an interest in this agenda item before adding that the surveys as done and proposed are in line with the Authority's remit. The SS added that surveys were targeted for the data requirements and there was a strict timeline adhered to.

Dr Baxter suggested a consultation or survey with industry to gauge who would be interested in which beds before open before survey work is planned in. the CEO agreed this was a sensible course of action in the absence of enough evidence to resolve the matter. He suggested the matter be brought back to the May TSB. Steve Manning said that he can't see anyone objecting but agreed that a consultation was fair enough.

Proposal that members approve the science report.

Proposed: Dr Baxter

Seconded: Councillor Markley

RESOLVED

Proposal that the officers undertake consultation with Byelaw 3 permit holders to look at the options for who would be interested in the cockle beds timings being changed.

Proposed: Dr Baxter

Seconded: Mr Leigh

Mr Manning abstained due to his pecuniary interest in the matter but expressed support. Mr Jones voted and subsequently declared he may have voted inappropriately in view of his interest and withdrew his vote. The chair confirmed that the vote would be amended to reflect this.

RESOLVED

68 TSB SUB-COMMITTEE MEETING 9TH FEBRUARY 2021 SUMMARY REPORT (agenda item 11)

Dr Baxter reported that a large portion of the initial part of the meeting was taken up discussing the accuracy and circulation of the minutes and the final approval of the August minutes will need to be taken to the May TSB.

She said that updates were received on the progress of Byelaw 3, and also the Potting Permit Byelaw and we heard that the Leasowe Byelaw and the Minimum Conservation Reference Size Byelaw had gone out to formal consultation. A paper regarding Netting Byelaws was resolved to be brought to the next TSB and the need for a clear byelaw strategy review was discussed at length. It was agreed that a separate meeting would be held to produce a strategy document relating to the byelaw review.

The TSB raised concerns over the high turnover of staff in the science team and members offered to assist in the interviews of the senior scientist and to advertise the role among their networks. Mr Haines, the acting senior scientist, was praised for the science reports and the survey plan. There was a lengthy discussion around the impact of Brexit on shell fish fisheries and in particular the potential to adjust the closed season, as just discussed.

The Save our Seabass issue was discussed and resolved. Mr Leigh also highlighted the engagement work that has been planned with Angling Trust.

Proposal that members approve the TSB report.

Proposed: Mr Thompson

Seconded: Mr Leigh

RESOLVED

(Lunch adjournment)

69 REVIEW OF POLICIES, PROCEDURES AND GOVERNANCE (agenda item 12)

Ms Claiborne explained that they received the surveys and are currently analysing the data but there is nothing to report from it yet. She expressed the wish that hopefully soon the data will be analysed and used to formulate more in-depth questions. The chair asked how many responses had been received and Ms Claiborne answered 28 to 30. CEO added that there would be an interim report at the end of March. He asked if anyone could provide guidance on the effects of Purdah. The chair said he would contact Cheshire monitoring officer and obtain accurate guidance.

70 ANNUAL PLAN 20-21 MONITORING Q3 (agenda item 13)

The CEO commented that he had added comments to the plan in relation to COVID working and the quarter three table had been completed

The chair asked for clarification on the induction mentioned in the plan for new members. CEO stated that there is no face-to-face induction but comprehensive documents are provided. .

Mr Jones highlighted that there was no reference to dredging in the mussel species column in table one and the CEO agreed there should be. Mr Jones followed up with a question on how many employees there were in total within the NWIFCA. CEO stated 21. Mr Jones noted that the lead officer column in table four still attributed tasks to Mandy Knott who has left the organisation. It was agreed to amend the table. Dr Andrews asked if there should be a March 2021 update in paragraph 11 and CEO agreed to update that too.

The chair noted the report mentioned recruitment could not take place because of COVID-19 and queried this, as there were no legal requirements regarding this. The CEO confirmed this reflects the personal preferences of the team at the time.

Mr Manning asked why intertidal mussels had not been included in the proposed survey programme in table five the CEO clarified the list of areas already covered and asked if Mr Manning wanted any more to be included, Mr Manning said the Solway Firth. Mr Stainton asked if this was not covered with Cumbria mussels (intertidal) and CEO agreed that it possibly was. Mr Manning underlined that it had been an important mussel fishery in the past and expressed the wish for officers to go out on a quad bike and provide a report, even if not a full survey.

Mr Jones asked for clarification on the term AGDS and the SS explained it was acoustic ground discrimination sonar.

Proposal to accept the annual plan.

Proposed: Councillor Markley

Seconded: Mr Friend

RESOLVED

Mr Benson abstained but made a comment on the timings of surveys and whether approving the annual plan would interfere with moving survey timings if necessary. The chair confirmed that approving the annual plan did not imply timings could not be viewed flexibly.

Mr Jones commented that there seemed to be some confusion around declarations of interest and ability to register a vote and asked when a scheme of delegation would be available to help define these issues. The DCO said that there was one application for dispensation outstanding but that was being resolved that day. The CEO confirmed that once all applications were in a meeting of the general purposes committee might be required to discuss the dispensations. The constitution has been updated and is ready to be published.

Mr Leigh underlined that the highest standards must be upheld. Members will be able to contribute to debate, however if there is any pecuniary interest they should not vote. He stressed that it is not only about being absolutely clear and not voting on issues where there is an interest, but it is also about third parties also seeing that you are retaining the highest possible standards. It's an issue of debate for the Authority, and it will be debated in due course by the relevant sub-committee in terms of the dispensation scheme.

Mr Manning asked for clarification about declaring an interest relating to friends and family. Mr Leigh discussed the Localism Act 2011 and directed Mr Manning to that report for a precise answer.

71 ANY OTHER BUSINESS

Mr Manning reported communication he had with local fishermen regarding the current process of collecting samples (where fishermen have to be accompanied by an officer) and expressed concern that fishermen are being treated with a degree of distrust and it would save local authority money if the IFCA could work with the fishermen instead.

Mr Brown stated that he had been volunteering as a broker/witness on behalf of fishermen from the Ribble to facilitate gathering samples from a bed that was not financially viable for the Authority. Unfortunately, this endeavour had been brought to a halt by COVID.

The CEO stated that nobody doubted the honesty of fishermen; however, somebody has to be ultimately responsible if there was a pollution or sickness incident and it would be a risk to fishermen to take this on. Mr Jones agreed it was not a question of trust, it was a question of law and transparency. Mr Manning praised Mr Brown for his voluntary work but stated that there was no legislation stating that fishermen cannot collect the samples.

After checking if anyone had any further business the Chair thanked members for their participation and closed the meeting.