

1 AT THE ANNUAL MEETING OF THE NORTH WESTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY held at Morecambe Town Hall on 12<sup>th</sup> June 2015

PRESENT – MEMBERS

Dr E. Baxter	MMO appointee (Marine Environment)
Mr R. Benson	MMO appointee (Fishing Industry – North West)
Mr C. Booth	MMO appointee (Marine Science/Environment)
Councillor K. Brown	Lancashire County Council
Mr R. Graham	MMO appointee (Commercial)
Mr D. Harpley	MMO appointee (Marine Environment)
Mr T. Jones	MMO appointee (Commercial/Aquaculture)
Mr B. Leigh	MMO appointee (Anglers and Recreation)
Councillor K. Little	Cumbria County Council
Mr C. Lumb	Natural England (Officer)
Mr S. Manning	MMO appointee (Commercial)
Councillor A. J. Markley	Cumbria County Council
Mr S. Mounsey	Environment Agency (Officer)
Mr A. Newlands	MMMO (Officer)
Miss C. Salthouse	MMO appointee (Marine Environment)
Ms P. Taylor	MMO appointee (Marine Environment)
Mr K. Thompson	MMO appointee (Commercial/Aquaculture)
Dr P. Williams	MMO appointee (Recreation)

OFFICERS

Dr S. M. Atkins	Mr J. Moulton
Mrs K. Atkins	Ms A. Leadbeater
Mrs I. V. Andrews	Ms S. Temple
Mr A. Deary	Mr H. Thinnesen
Ms M. Knott	Mr N. Walters

COUNCIL OFFICERS ATTENDING

Mr C. Clayton	Wirral Council
Ms S. Montgomerie	Lancashire County Council
Mr D. McAleavy	Sefton Council
Mr P. Wright	Halton Council

APOLOGIES FOR ABSENCE

Councillor L. Beavers	Lancashire County Council
Mr D. Grunshaw	MMO appointee (Shellfish aquaculture)
Councillor J. J. Kelly	Sefton Council
Councillor B. Mooney	Wirral Council

2 APPOINTMENT OF CHAIRMAN (Agenda Item 1)

The Chief Executive opened the meeting by calling for nominations for Chairman for the year. There were two nominations. Councillor A. Markley was nominated by Councillor K. Little and seconded by Councillor K. Brown. Mr R. Graham was nominated by Mr Benson but stated he did not wish to be considered for Chairman when asked.

RESOLVED

Councillor A. J. Markley be reappointed Chairman for the forthcoming year.

3 CHAIRMAN'S ANNOUNCEMENTS (Agenda Item 2)

1. The Chairman welcomed new members Councillor B. Woolfall (Halton Borough Council) replacing Councillor R. Hignett and Messrs C. Booth and B. Leigh (MMO appointees). Councillor M. Byram did not stand for re-election in the recent elections. A new Cheshire West and Chester Council representative has not yet been appointed.

Members agreed to send letters of thanks for their contribution to the work of the Authority to Councillors Byram and Hignett.

2. The Chairman welcomed visitors and members of the public.
3. The Chairman announced apologies.
4. A letter from Mr K. Thompson (Agenda Item 7) and Supplementary Report on the Appointment of the TSB Sub-Committee (Agenda Item 8) had been tabled.
5. The Chairman announced two items of Any Other Business. These related to Minutes of Meetings and Appointment of Chairman and Vice-Chairman.

4 APPOINTMENT OF VICE-CHAIRMAN (Agenda Item 3)

The Chairman called for nominations for Vice-Chairman for the year. Mr R. Graham was nominated by Councillor A. J. Markley and seconded by Councillor K. Brown.

RESOLVED

Mr R. Graham be reappointed Vice-Chairman for the forthcoming year.

5 DECLARATIONS OF INTEREST (Agenda Item 4)

No declarations of interest were declared.

6 TO RECEIVE MINUTES OF THE NWIFCA MEETING HELD ON 13<sup>TH</sup> MARCH 2015 (Agenda Item 5)

Approval of the minutes was proposed by Councillor Brown.

RESOLVED

The minutes of the NWIFCA meeting held on 13<sup>th</sup> March 2015 be approved and signed as a correct record.

7 MATTERS ARISING (Agenda Item 6)

Minute 291. Science Report

No proposals have been received for new bass nursery areas.

8 NWIFCA CONSTITUTION (Agenda Item 7)

The CEO presented a redrafted Constitution which was for comment and discussion. Amendments agreed would be incorporated in a new draft for the September meeting. Changes proposed were to Standing Orders and Financial Regulations, with minor changes to other sections. A new Chapter 7 set out a policy for managing unacceptable behaviour by third parties. Written comments from Mr Thompson were tabled.

The Finance Committee at 10.00 on 12<sup>th</sup> June discussed frequency of its meetings. Councillor Little proposed an amendment to Section 8.3(b) "That the Finance Committee shall meet at least once per year and otherwise as required. All council members shall be consulted on the proposed budget and levy for the following year." The proposal was seconded by the Chairman.

Mr Jones asked for clarification on the procedure for amending the Constitution and the definition of a quorum in the NWIFCA Statutory Instrument (SI). Dr Atkins agreed that Section 1 of standing Orders could be clearer and include an explicit requirement to consult all members before changes could be agreed at a quarterly meeting. He proposed that SI 2010 No 2200 will be included in the next version of the Constitution to provide the legal basis of the Authority. This was agreed. With respect to the proposed change in quorum, the figure of 8 in the SI is based on their being a full complement of members of 30. At present there are only 26 members and the proposal to change the quorum has been based on that reduced membership. With respect to the 4 vacancies on the Authority Mr Jones asked whether MMO are actively carrying out a recruitment exercise. Dr Atkins said he is unable to confirm that at the moment. He has made MMO aware that when looking to make the appointments more representation is needed from the Science sector.

Mr Jones asked the reason behind the proposal to exclude members of the public from attending TSB meetings suggesting the current provision to exclude the public for specific Agenda items should remain. Dr Atkins said the Authority needs to develop its policy and management strategies confidentially so meetings should be routinely closed with provision to open meetings when the need arises for consultation. Members indicated a preference for retaining public access to TSB meetings unless agenda items are closed by resolution.

NB: All other proposed changes are taken as agreed subject to further comments by Friday 14<sup>th</sup> August.

#### RESOLVED

1. The report be received.
2. Officers be asked to prepare a further draft of the Constitution taking into account members' comments today and any further comments after the meeting.
3. The re-drafted Constitution be submitted to the September meeting of the Authority for approval.

#### 9 APPOINTMENT OF TSB SUB-COMMITTEE (Agenda Item 8)

The outcome of the postal ballot was tabled. Following Mr Graham's reappointment as Vice-Chairman of the Authority he would become an ex officio member of the TSB which will leave one vacancy to be taken by Mr Calum Booth.

#### RESOLVED

1. The report be received.
2. The following persons be appointed members of the Technical, Science and Byelaw Sub-Committee for the forthcoming year:

Dr E. Baxter	Mr B. Leigh	Mr R. Benson	Mr S. Manning
Mr C. Booth	Mr K. Thompson	Mr T. Jones	

Ex-officio: Mr S. Mounsey (EA); Mr C. Lumb (NE); Mr A. Newlands (MMO);  
Councillor A. J. Markley (Chairman); Mr R. Graham ( Vice Chairman)

10 REPORT ON FINANCE COMMITTEE MEETING 10.00 12<sup>TH</sup> JUNE 2015 (Agenda Item 9)

The Chairman reported verbally. Items discussed included the frequency of meetings and changes in Audit Commission legislation.

RESOLVED

The report be received.

11 The Chairman proposed a change in the Agenda to take Item 11 next and this was agreed.

12 FINANCIAL REPORT (Agenda Item 11)

The Finance Officer asked that each of the four items need a separate resolution for audit purposes. The internal Audit was carried out on 5<sup>th</sup> May 2015. Changes to Audit Commission regulations mean that an external audit will not be required in future. Members agreed that an independent audit should continue. No unusual expenditure was noted in the current financial year to date.

RESOLVED

1. The Final Budget Review for the year ended 31<sup>st</sup> March 2015 be approved. Proposed by Councillor Little and seconded by Councillor Brown.
2. Annual Return and Audit for the year ended 31<sup>st</sup> March 2014-15 be approved. Proposed Councillor Brown; seconded by Councillor Little. Sections 1 and 2 were signed by the Chairman and Chief Executive for submission to the external auditor.
3. Internal Audit for the year ended 31 March 2015 be approved. Proposed by Councillor Brown and seconded by Councillor Little.
4. Financial Report on the start of 2014-15 be approved. Proposed by Councillor Brown and seconded by Councillor Little.

13 The meeting then reverted to the Agenda as printed.

14 TO MAKE THE NEW BYELAW 8 (PROHIBITION OF FOUL HOOKING) (Agenda Item 10)

This byelaw which had been circulated to members 14 days before the meeting to comply with the Marine and Coastal Access Act incorporates two historic byelaws from the old NW&NW and Cumbria SFCs. Minor amendments relating to the references to EA byelaws in the RIA had since been made and circulated to members. It is intended to revoke the EA byelaws on completion of the netting byelaws.

Members asked the reason for the byelaw, also whether there have been any historical prosecutions for foul hooking. IFCO S. Brown said this byelaw was originally aimed at migratory fish. The byelaw is aimed at the upper reaches of the District where the practice does still go on but it is not considered to be a major problem. The other issue to be taken into account and which is felt to be of more importance is how the IFCA deals with the byelaws inherited from the EA.

Mr Jones proposed that the byelaw be 'made'. The proposal was seconded by Mr Manning.

RESOLVED

1. The report be received.

2. The Authority 'make' Byelaw 8 as circulated to Members with the Notice and Agenda of this meeting in accordance with sections 155 and 156 of The Marine and Coastal Access Act 2009
3. The byelaw now 'made' is

## BYELAW 8

### PROHIBITION OF FOUL HOOKING

The Authority for the North Western Inshore Fisheries and Conservation District in exercise of the powers conferred by sections 155 and 156 of the Marine and Coastal Access Act 2009 makes the following byelaw for that District.

#### **Interpretation**

1. In this byelaw:
  - a) 'the Authority' means the North Western Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the North Western Inshore Fisheries and Conservation Order 2010 (SI 2010 No. 2200);
  - b) 'the District' means the North Western Inshore Fisheries and Conservation District as defined in articles 2 and 3 of the North Western Inshore Fisheries and Conservation Order 2010 (SI 2010 No. 2200).

#### **Prohibitions**

2. A person must not use any instrument for the exploitation of sea fisheries resources to intentionally foul hook a sea fish.

#### **Exception**

3. This byelaw shall not apply to any person performing an act which would otherwise constitute an offence against this byelaw if that act was carried out in accordance with a written permission issued by the Authority permitting that act for scientific, management, stocking or breeding purposes.

#### **Revocations**

4. The byelaw with the title "Byelaw 18: Foul Hooking of Sea Fish" made by the North Western and North Wales Sea Fisheries Committee on the 9<sup>th</sup> of July 1985 is revoked.
5. The byelaw with the title "Byelaw 17 Taking of fish other than by hooking them in the mouth" made by the Cumbria Sea Fisheries Committee on the 21<sup>st</sup> of April 2004 is revoked.

#### **Explanatory Note**

#### ***(This note does not form part of the byelaw)***

*This byelaw is designed to prevent unnecessary injury to sea fish by prohibiting the practice of foul hooking sea fish.*

## 15 HEAD OF ENFORCEMENT REPORT (Agenda Item 12)

The Head of Enforcement reported a slow start to the netting and potting season due to poor weather. There were two legislative changes during the quarter. The first relates to changes to bass legislation brought in by the European Commission to limit catches of bass to 3 per person day for non-commercial fishermen. All IFCOs have been cross-warranted to enforce TAC regulations which they are not empowered to do

at present. The second is a change to EU technical conservation measures which revoked the MLS for lobster and removed Officers' ability to enforce the regulations. Officers were cross-warranted to enable them to continue enforcement.

Mr Thinnesen, Master of the patrol vessel, reported a new davit fitted to the vessel will be used at sea to deploy survey equipment and aid launch and recovery of the boarding RIB. The question of the Authority tendering for any relevant scientific work was raised. Dr Atkins said there is a programme with AMEC that could start shortly and a tender for carrying out work for Defra has been successful. Members may need to consider how much commercial contract work the Authority should be tendering for and it was suggested that this might be a matter for further discussion by the TSB.

Changes to bass management were discussed. Mr Graham felt the UK government needs to consider positive ideas on how to help the catch of bass, whether by bigger mesh size, no nursery fishing or banning of pair trawling. An increase in MLS from 36 to 42cm is proposed.

### RESOLVED

The report be received.

## 16 CHIEF OFFICER'S REPORT (Agenda Item 13)

AIFCA. The Chief Executive reported on the 9<sup>th</sup> June meeting attended by the Chairman and Chief Executive. The letter at Annex A reported on options for joint working with MMO. Items discussed included implementation of landing obligations (the discard ban) and their impact. Scientific study projects looking at survivorship of some of the species are in progress. NE gave a presentation on joint working, how SSSI work is continued and who will take responsibility for issues such as bait digging.

Procurement of replacement main patrol vessel. Sharon Montgomerie (Lancashire County Council) provided an update and reported that the procurement team require evidence that all funding authorities have agreed to procurement of the vessel. This is needed to draft a funding agreement between Lancashire and all other funding authorities. Officers agreed to forward relevant information to Ms Montgomerie.

Boughton Estate claim of fishing rights in Morecambe Bay. Legal advice from the Authority's solicitor is that it is unnecessary for the Authority to take any further steps in relation to these claims at this time.

Members considered the possible implications of joint working with MMO and how MCZ would be managed. Defra has recognised that the marine work of NE, EA and Cefas also needs to be considered and there is the possibility that Defra could consider carrying out restructuring of the marine work around the UK within the next year or two. A first scoping on proposals is expected shortly and this will be circulated to members for comment.

Mr Graham reported that with regard to discard bans an application has been made for a fisheries science project in the North West. Under present regulations small plaice caught will be released but under the proposed discard ban the small plaice would have to be landed. The study will attempt to find ways of removing the small plaice from the landing equation. Ms Knott pointed out that in practice there are a number of issues with the discards ban proposals, with the potential for more damage to be done if all the fish were to end up in landfill, rather than being returned to marine ecosystems.

## RESOLVED

The report be received.

### 17 REPORT ON TSB SUB-COMMITTEE MEETING HELD ON 12<sup>TH</sup> MAY 2015 (Agenda Item 14)

The Chairman of the TSB, Mr Graham, reported on discussions that took place at the meeting on 12<sup>th</sup> May 2015.

The Science Summary Report. covered cockle and mussel fisheries, Bivalve Mollusc Working Group, Assessment of fishing activities in EMS, Crab Tiles, MCZ Tranche 2, Slipper limpets and Biosecurity, Project Inshore and Power and Energy.

Bivalve Mollusc Working Group (BMWG). The Terms of Reference were agreed at the first meeting on 30<sup>th</sup> April 2015. Sector representation was agreed but science is under represented. Work on a Management Plan for Morecambe Bay mussels was commenced. The next meeting will be in July.

Lobster Emergency Byelaw. A Defra SI unintentionally removed IFCA powers to enforce some EU technical conservation measures specifically the lobster MLS. The NWIFCA brought in an emergency byelaw to ensure regulation remained in place to protect undersize lobsters. IFCOs have temporarily received cross-warrants from MMO to correct this error.

Bass Update. IFCOs have been cross-warranted to enforce the new bass regulations.

Byelaws 9 (Restrictions on Fishing for Shrimps and Prawns) and 10 (Measures for the Protection of Lobster (*Homarus gammarus*)). Members agreed to proceed with informal consultation and to submit the byelaws to the Authority to be 'made' at the earliest opportunity.

Private Fishery Rights. A number of sites within the District have been identified where fishery rights are in doubt and members considered such doubts should be addressed. Senior Scientist said the Roa Island Boat Club had an issue around trespass rather than fishery rights. Mr Jones was not convinced the advice from the solicitor is correct and asked for an update on progress with addressing the doubts raised on the other sites. Ms Knott said she has made contact with some site representatives asking for evidence of their claim but they have so far only provided evidence of land ownership rather than fishery rights.

The Chairman reported that this was Scientific Officer Abigail Leadbeater's last meeting as she was leaving the service of IFCA today. He thanked Ms Leadbeater on behalf of the Authority for all the work she has achieved during her period of service. Ms Knott reported that recruitment for a replacement for Ms Leadbeater has commenced.

## RESOLVED

The report be received.

### 18 SCIENCE REPORT (Agenda Item 15)

BMWG. As reported earlier the first meeting of this group seems to have been successful. A further meeting will be arranged in July.

Cockle and Mussel Fisheries in the District. The few large spring tides this year has restricted inspection of beds.

Heysham Flat Mussel. A survey in May revealed evidence of spat settlement but it is not possible to predict at present whether it will develop into a commercial fishery. Officers will monitor the bed on a regular basis. An area at the bottom end of the skear across Dallam Dyke has been fished at very low levels.

Foulney Mussels. The settlement so far is not substantial. There are large mussel at the bottom of the skear but starfish are also present in large numbers.

South America Mussel. A helicopter inspection on 20<sup>th</sup> May showed no evidence of settlement. Officers will continue to monitor and industry is asked to inform officers of any late settlement they observe.

Leven Island Cockles. Officers accompanied shrimp fishermen to inspect this bed. In light of the quantities of cockles found, a full survey was commissioned, but the cockles were difficult to find possibly due to periods of high winds during the previous few days. Byelaw 3 permit holders were updated on cockle stocks in the area via the NWIFCA website. Mr Manning said the persons named on the website as contacts for information about the Leven Island cockles were unlikely be able to answer questions and he voiced concerns about the decision to text all Byelaw 3 permit holders each time a potential fishery is identified. With respect to the first point Ms Knott said the role of representatives on the BMWG is to act as a conduit and to channel questions back to officers. The decision to inform Byelaw 3 permit holders had been made by the TSB following a previous incident when fishers had felt uninformed.

Solway Firth Cockles. This area which is inaccessible by quadbike had been surveyed last year with the help of a local fisherman, using a suction dredge. A further survey was planned for this year but has not yet been arranged because of equipment problems and unsuitable weather conditions.

North West Coast Connections – NG work on routing options for 400KV cables from Moorside nuclear power station. The proposals have been out to public consultation and the preferred route option for a tunnel under Morecambe Bay is being considered. The routing options around the Duddon Estuary are proving problematical and the whole of the route needs further examination.

West Cumbria Tidal Lagoon. Officers have concerns on the impact this project could have on the marine environment. The TSB had agreed the developer should be asked to make a presentation to members and an invitation has been extended to Mr Roger Woods of Tidal Lagoon Power to make a presentation to the September meeting.

MCZ Tranche 2 sites. Allonby Bay and West of Walney are two sites within the NWIFCA District which are being taken forward. A third site in the Eastern Irish Sea known as the Mud Hole, or an alternative 'muddy site', could be considered for designation in Tranche 3.

Crab Tiles. Mr Jones stated that crab tiling is a vast business in the Southern part of the District and into North Wales. He was asked to inform the Science Team about the areas where crab tiling is being carried on so that the activity can be investigated. Ms Knott said bait collecting is being looked at by IFCA nationally and the Authority is unable to take this further until more information is available on the extent of gathering. The CE said if necessary byelaws could be introduced to regulate the activity. Officers could start to collect the necessary evidence if members feel the activity needs to be protected under byelaw. Mr Benson reported that crab tiling is being carried on in the



Barrow area and is interfering with mussel beds. The Chairman felt further information on this was needed and suggested it was a matter for discussion by the TSB.

## RESOLVED

1. The report be received.
2. The question of crab tiling be referred to the TSB Committee.

## 19 A.O.B.

### 1. Minutes of meetings

Mr Jones said he would like to see minutes of meetings made available earlier rather than circulated with meeting papers as at present. The Chief Executive agreed to aim to circulate confidential draft minutes by email between meetings.

### 2. Appointment of Chairman and Vice-Chairman

Mr Thompson asked the reason for nominations for the offices of Chairman and Vice-Chairman being requested by email rather than being taken at the Annual Meeting as in the past. He suggested that in future nominations be put forward at the Annual Meeting and a vote taken by a show of hands. He further suggested that amendments to the NWIFCA Constitution in future are made by vote of the full Authority. The CE pointed out that members are sometimes reluctant to propose another member in public at the meeting. A more discreet, less onerous way of inviting nominations was by email with the nominations being announced at the meeting. If there was more than one nomination a vote would be taken. Mr Benson said he had nominated Mr Graham because of an earlier agreement that the Chairman should be appointed from council members one year and from industry the next. The CE reported that such proposal had been made at a previous meeting but was not adopted. *(NB: From Annual Meeting 12<sup>th</sup> June 2012) Councillor Beaumont suggested that there was a need to rotate the Chairman in future years between the different stakeholder groups. Dr Atkins said it would be up to the Committee to decide on the Chairman for the year but the point that the chair should circulate between different sectors would be noted).*

Councillor Little suggested members should remember that if they wish to nominate another member for a particular office, the member should first be asked if they are willing to stand.

There being no further business the Chairman thanked members for attending and declared the meeting closed at 1325 hours.