

AT A MEETING OF THE NORTH WESTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY held at Morecambe Town Hall on 16<sup>th</sup> September 2016

PRESENT – MEMBERS

Councillor A. J. Markley	(Chairman)	Cumbria County Council
Dr J. Andrews		MMO Appointee (Marine Environment)
Dr E. Baxter		MMO Appointee (Marine Environment)
Councillor L. Beavers		Lancashire County Council
Councillor K. Brown		Lancashire County Council
Mr D. Clarke		MMO Appointee (Fishing Industry – Cumbria)
Mr B. Crawford		MMO appointee (Anglers and Recreation)
Mr R. Graham		MMO appointee (Commercial)
Mr D. Harpley		MMO appointee (Marine Environment)
Mr M. Johnston		Natural England
Mr B. Leigh		MMO appointee (Anglers and Recreation)
Mr S. Manning		MMO appointee (Commercial)
Mr M. Oddy		MMO appointee (Marine Environment)
Councillor R. Owens		Sefton Council
Ms C. Salthouse		MMO appointee (Marine Environment)
Mr K. Thompson		Commercial/Aquaculture
Mr D. Ward		MMO (Officer)

NWIFCA OFFICERS ATTENDING

CEO, Head of Enforcement, Senior Scientist, Clerk

APOLOGIES FOR ABSENCE

Mr D. Grunshaw	MMO appointee (Shellfish Aquaculture)
Mr T. Jones	MMO appointee (Commercial/Aquaculture)
Councillor K. Little	Cumbria County Council
Councillor P. Williams	Cheshire West and Chester Council
Councillor B. Woolfall	Halton Council
Mr C. Clayton	Wirral( Officer)
Mr P. Wright	Halton (Officer)

84 CHAIRMAN'S ANNOUNCEMENTS (Agenda Item 1)

1. The Chairman welcomed new member Mr Mark Johnston (Natural England) who replaces Mr Chris Lumb.
2. The Chairman welcomed visitors.
3. The Chairman tabled a paper on Standing Orders to remind members of the main provision of the NWIFCA Standing Orders in relation to meeting procedures.
4. The Chairman proposed that future meetings should start at 10 a.m. The proposal will be placed on the Agenda for the December meeting.

85 DECLARATIONS OF INTEREST (Agenda Item 2)

Agenda Item 8. Permit to Dredge Byelaw. Dr J. Andrews, Mr R. Graham, Mr S. Manning, Mr M. Oddy.

Agenda Item 9. Patrol and Enforcement. Mr R. Graham, Mr S. Manning.

Agenda Item 10. Vessel Procurement. Mr D. Clarke, Mr R. Graham

Agenda Item 11. Walney Windfarm Extension and Fleetwood Fishermen. Mr R. Graham, Mr M. Oddy

Agenda Item 12. Science Report. Mr S. Manning

Agenda Item 13. West of Walney MCZ Management. Mr R. Graham  
Agenda Item 14. Report on TSB Committee meeting held on 9<sup>th</sup> August 2016. Mr D. Clarke, Mr R. Graham

86 TO RECEIVE MINUTES OF THE NWIFCA ANNUAL MEETING HELD ON 10<sup>TH</sup> JUNE 2016 (Agenda Item 3)

Minute No. 63 (Leven Cockle Fishery). Dr Baxter said this minute had been incorrectly recorded as she had not voted. Dr Baxter requested votes be properly recorded. It was agreed to amend the minutes accordingly.

Minute No. 80 (Report on TSB meeting held on 10<sup>th</sup> May 2016). Dr Andrews said that the vote for a special TSB meeting on the byelaw review was omitted. He also pointed out that no agreement had been reached for time to be allocated at the next TSB meeting to discuss this matter. It was agreed to amend the minutes accordingly.

*NB: CEO said that the proposal for a special meeting was out of order as no notice was given. The recording shows there was a vote (numbers unrecorded) to hold a special meeting followed by discussion and agreement (but no vote) to provide time for a byelaw review discussion at the TSB on 9 Aug 2016.*

Approval of the draft minutes with amendments was proposed by Ms Salthouse and seconded by Mr. Thompson.

RESOLVED

With amendments as above the minutes of the NWIFCA Annual Meeting held on 10<sup>th</sup> June 2016 be approved and signed as a correct record.

87 MATTERS ARISING (Agenda Item 4)

Minute No. 71. Appointment of TSB Committee.

Mr Graham pointed out that discussion on whether members could vote for themselves had not been recorded. It was felt it would be acceptable for members to vote for themselves and members agreed to note that such discussions had taken place.

Minute No. 73. Vessel Procurement: Update.

Mr Oddy asked if resolution 2 had been followed up. It was suggested this point be deferred until discussion of Agenda Item 10.

88 FINANCIAL REPORT (Agenda Item 5)

Mr Oddy referred to the high spending on Legal costs and asked whether additional costs could be incurred in recovering the outstanding costs from Mr Faulkner. Members were informed the matter will be referred back to the Authority's solicitor if a further payment is not received by 30<sup>th</sup> September.

RESOLVED

The Financial report and Budget Review to 31<sup>st</sup> July 2016 be approved.

89 STANDING ORDERS (Agenda Item 6)

Mr Leigh was asked to undertake a review of the NWIFCA Standing Orders based on the Eastern IFCA Constitution. The review has taken account of the 2009 Marine and Coastal Access Act (MACAA) and 2010 Statutory Instrument.

Mr Leigh took members through the report taking comments from members on each section.

Mr Oddy asked for clarification that the NWIFCA has the power to make its own Standing Orders. The CEO confirmed that IFCA's are autonomous discrete bodies, each one set up by an individual Statutory Instrument. The NWIFCA makes its own governance and its own arrangements.

The Chairman drew members' attention to the recommendations and thanked Mr Leigh for the work he has done to date on the review of Standing Orders.

In proposing approval of the recommendations Mr Oddy echoed the Chairman's thanks to Mr Leigh.

#### RESOLVED

1. Mr Leigh be invited to draft a new version of Standing Orders for discussion at a future meeting.
2. Members thanks to Mr Leigh be recorded for the work he has done on the review of Standing Orders.

90 ADJOURNMENT OF MEETING until 1315 hours was agreed.

91 MEETING RECONVENED AT 1320 HOURS

92 MEMBER ASSESSMENTS (Agenda Item 7)

Defra and MMO have introduced performance assessments for MMO appointees. The requirement has been included in new terms and conditions. Members' views were sought on the best person or persons to carry out the assessments.

A self-assessment procedure was suggested with a deadline date for comments. It was agreed validation of the assessments should be carried out by the Chairman's Committee with the addition of the MMO representative. Any individual completing a self-appraisal which the assessment panel is not in agreement with may be asked to discuss the assessment with the Chairman's Committee.

It was agreed that MMO should be informed of the procedure agreed by the NWIFCA and of the Authority's concerns that the appraisal procedure should be an MMO function.

#### RESOLVED

1. Members of the Chairman's Committee and the MMO representative should oversee the assessment process and approve self-assessments.
2. The Assessment criteria in the guidance be adopted. CEO should set out a draft process for annual assessments for approval by MMO appointees.
3. MMO be informed of the assessment procedure agreed by NWIFCA and the Authority's concerns that assessments should be a function for which MMO should take responsibility and provide resources.

93 PERMIT TO DREDGE BYELAW (Agenda Item 8)

The report presented options for charging permit fees. In the past fees for dredging permits were based on vessel length but this approach has been queried by Defra as it may not be compliant with treasury guidance on cost recovery. Discussions with MMO and Defra are continuing to find an acceptable scheme.

Informal consultation on the proposed byelaw is being carried out. No substantive comments have been received.

Mr Oddy said that landowners' consent would be required for any activity that disturbs the sea bed surface. CEO asked Mr Oddy to clarify this point in writing so that it could be investigated.

RESOLVED to receive the report.

94 PATROL AND ENFORCEMENT (Agenda Item 10)

Two fisheries were authorised during the quarter, the hand gathering seed mussel fishery at Heysham and the South America seed mussel dredge fishery. There were compliance issues at Heysham in relation to the area closed to protect *Sabellaria* reef. 5 verbal warnings and 4 official warnings were issued in addition to the reported sanctions. A further official warning is subject to interview and possible FAP. A formalised process for monitoring returns has been set up. Compliance with returns has risen from 45% to 77%.

Good progress has been made with the new database system for issuing Byelaw 3 permits.

Approval of the recommendations was proposed by Dr Andrews and seconded by Mr Harpley.

It was unanimously RESOLVED

1. Future Byelaw 3 returns reporting is anonymised as outlined in Annex C.
2. The current approach to Byelaw 3 returns compliance be approved.

95 VESSEL PROCUREMENT (Agenda Item 11)

The deadline for submission of the first PQQ tenders is 20<sup>th</sup> September. An evaluation panel will meet on 3<sup>rd</sup> October to appraise tenders received. If more than one satisfactory tender is received the process will move to the second stage. In response to the question raised earlier by Mr Oddy on whether Defra advice was received on the MACCA clause prohibiting IFCA borrowing. CEO reported that Defra's advice was that the NWIFCA should seek its own legal advice, which has already been done. At the moment the procurement is proceeding without the need for borrowing.

It was unanimously RESOLVED proposed by Councillor Brown and seconded by Dr Andrews that:

1. Members approve the work of Vessel Committee to date.
2. Members remit the ongoing procurement to the Vessel Committee to continue the process and contribute to the evaluation panel for the PQQ tender submissions.

96 WEST OF WALNEY WINDFARM EXTENSION (Agenda Item 11)

A Fleetwood fisherman, Mr Bamber, has concerns on the Walney Extension UXO (unexploded ordnance) clearance and impacts on fishing activity within the cabling route through Lune Deep to Heysham, also on a proposed "exclusion zone" during cabling work. Officers met with developer Dong who confirmed that the map of the "exclusion zone" provided earlier was not an exclusion zone but merely a request for fishermen to stay clear of the area during cable laying operations. Dong will need 30 days' displacement rather than 12 months as previously indicated. Dong has proposed a review panel comprising impartial representatives from MMO, NFFO and NWIFCA to review fishermen's evidence

on the importance of the fishing grounds within the cable laying area. Officers are considering how they can take an active role in this. Fleetwood Commercial fishing Group has been provided with information on permit history for its members.

Councillor Beaver said one of the Fleetwood fishermen's concerns is that they had not been given sufficient prior notice of rock armouring work which Mr Bamber states is positioned on important shrimping grounds. The Senior Scientist confirmed that the NWIFCA response emphasised the need for dialogue with industry. There are concerns that MMO Marine Licensing Department is not communicating with fishermen early enough throughout the development and licensing process.

It was suggested clarification should be sought on the potential recourse by MMO for any developer not fully complying with the consultation requirements of a marine licence.

#### RESOLVED

1. The question of poor liaison and consultation with fishermen be raised with MMO Marine Licensing Department.
2. Clarification be sought on any potential recourse for non-compliance with consultation requirements in an MMO licence.

#### 97 SCIENCE REPORT (Agenda Item 12)

The Senior Scientist reported.

Bivalve Mollusc Working Group. The August meeting discussed mussel fisheries. The next meeting will focus on potential cockle fisheries at Flookburgh in Morecambe Bay and Penfold Channel in the Ribble. Further surveys will be carried out to determine whether the stock is of a size and density to allow a commercial fishery. Fisheries will be subject to HRA and TSB agreement.

Heysham Flat seed mussel. There were conservation concerns from both NE and WWT that the honeycomb worm (*Sabellaria*) reef is in poor condition. An exclusion zone is required for the main reef area and a small area of live *Sabellaria alveolata* to the north of the main reef.

Small Fish Surveys – Working with Environment Agency. Officers are working with EA to gain a better understanding of juvenile populations across the District and whether the Authority should be looking at more management of nursery areas.

Moorside Power Station. Questions were raised on the impact from intake pipelines to the power station and potential impact on industry. The Senior Scientist reported ongoing survey work to inform impacts. Investigations continue into available technology around intake pipelines.

Mr Oddy asked whether NWIFCA is able to charge developers for officers' time spent in responding to consultations. It was agreed this should be investigated.

Rossall Sea Defences. Mr Crawford said the fishing platforms have not been provided and beach access is via steps which are inadequate. Councillor Beaver agreed to investigate.

Mr Manning asked about a proposed MCZ for smelt in the Ribble Estuary. Mr Johnston (NE) said that the Regional Stakeholder Group in 2012 had recommended an MCZ on the Ribble for smelt which is scheduled for phase 3 of the MCZ designation process in 2018.

It was RESOLVED to Receive the report.

98 WEST OF WALNEY MCZ MANAGEMENT (Agenda Item 13)

The West of Walney MCZ extends from inside 6nm to outside 12 nm. A large proportion of the site is co-located with the west of Walney windfarm. Three management options were outlined in the report. A prohibition on bottom towed gear within the MCZ is likely.

Mr Ward pointed out that paragraph 7 is incorrect in saying only Northern Irish vessels have access 6-12nm. Irish vessels also have access and as a different member state this could affect any management action by Defra.

It was suggested local meetings to raise fishermen's awareness of the MCZ would be useful. Officers confirmed this would be arranged.

It was unanimously RESOLVED proposed Dr Baxter and seconded Mr Leigh.to

1. Commence the MCZ Assessment work by compiling fishing activity data and NE advice on conservation features within the part of the site in the District.
2. Continue discussion with Defra and MMO on the best management framework and remit discussion to the TSB
3. Industry consultation be carried out when management proposals are available.

99 REPORT ON TECHNICAL, SCIENCE AND BYELAW COMMITTEE HELD ON 9<sup>TH</sup> AUGUST 2016 (Agenda Item 14)

The TSB Chairman, Mr Graham, reported.

North West Coast Connections – National Grid work on routing options for 400KV cables from Moorside nuclear power station.. Mr Parr (MMO) had agreed to follow up concerns with MMO Licensing Department about poor liaison with fishermen.

Byelaw 11 – Dredge Byelaws. MMO comments had been tabled and the draft byelaw had been discussed at length. Consultation with industry and stakeholders was agreed.

Mussel and Cockle Fisheries. The Committee agreed to

- i. open a seed mussel dredge fishery at Perch Scar and Black Scar, Fleetwood
- ii. approve an extension for the seed mussel dredge fishery in north Morecambe Bay for those vessels with acoustic ground discrimination equipment
- iii. reject a further request from industry to re-open Box 1 in north Morecambe Bay . A request to survey and provide information back to BMWG and TSB was agreed.
- iv. approve a long term exclusion area on the main area of honeycomb worm at Heysham Flat with regular monitoring and subject to annual review.
- v. close all cockle beds within the district under NWSFC Byelaw 13A and CSFC Byelaw 18 from 1<sup>st</sup> September, the situation to be reviewed by the BMWG and TSB in October/November
- vi. approve further surveys on Flookburgh and Penfold North.

West of Walney MCZ and Fisheries Management. A presentation was given by Mr Johnson (NE) on conservation features and reason for designation.

Byelaw Review. Five NWIFCA byelaws have been introduced since 2011 and work is in progress on a further seven in a suggested order of priority. Work on the authority's lobster byelaw is postponed pending Defra consideration of a national SI for lobster protection. Members approved the revised byelaw review.

Byelaw Review Audit Process. Members agreed to develop and implement a new audit process to increase the efficiency of the byelaw review process.

It was RESOLVED to Receive the report.

100 DEFRA MARINE REVIEW (Agenda Item 15)

No further information on the Review has been received. Stage 1 findings will be reported to members once available.

It was unanimously RESOLVED proposed Dr Baxter seconded Mr Johnston that:

1. AIFCA should continue monitoring the review.
2. The review should strengthen IFCA local and national remit with funding to match any new functions.

101 ANNUAL REPORT 2015-16 (Agenda Item 16)

Members were asked to provide the CEO with comments on the Annual Report by 30th September. The report will then be finalised and submitted to the Secretary of State.

RESOLVED

Members' comments on the Annual Report 2015-16 be requested by 30<sup>th</sup> September 2016 prior to completion and submission to the Secretary of State.

102 ANNUAL PLAN 2016-17 (Agenda Item 17)

No comments were received. Comments on the Annual Plan should be submitted to the CEO in time for them to be included on any future Agenda. It was agreed that notification of requests for Agenda items should be circulated one month before the Agenda date in future.

It was RESOLVED to receive the report.

103 DATES OF MEETINGS 2017 (Agenda Item 18)

It was RESOLVED to:

Agree proposed dates of meetings for 2017 as outlined in the report.

104 ANY OTHER BUSINESS (Agenda Item 19)

1. MMO Vacancies. An update was requested on whether MMO has made any decision on whether to carry out a further recruitment campaign. The Chairman agreed to request an update from MMO.
2. Charging for IFCA's time. The CEO agreed to enquire from other IFCA's whether they charge developers for dealing with such matters as consultation responses.

Meeting closed at 1515 hours.