

137 AT THE ANNUAL MEETING OF THE NORTH WESTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY held at Morecambe Town Hall on 16th June 2017

PRESENT – MEMBERS

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| Dr J. Andrews | MMO appointee (Marine Environment) |
| Dr E. Baxter | MMO appointee (Marine Environment) |
| Mr D. Bedworth | Environment Agency |
| Councillor L. Beavers | Lancashire County Council |
| Mr C. Booth | MMO appointee (Marine Science/Environment) |
| Mr D. Clarke | MMO appointee (Fishing Industry – Cumbria) |
| Mr R. Graham | MMO appointee (Commercial) |
| Mr D. Harpley | MMO appointee (Marine Environment) |
| Mr M. Johnston | Natural England (Officer) |
| Mr T. Jones | MMO appointee (Commercial/Aquaculture) |
| Mr B. Leigh | MMO appointee (Anglers and Recreation) |
| Councillor K. Little | Cumbria County Council |
| Councillor A. J. Markley | Cumbria County Council |
| Mr M. Oddy | MMO appointee (Marine Environment) |
| Miss C. Salthouse | MMO appointee (Marine Environment) |
| Mr K. Thompson | MMO appointee (Commercial/Aquaculture) |
| Councillor P. Williams | Cheshire West and Chester Council |

COUNCIL OFFICER ATTENDING

Ms R. Northover Sefton Council

NWIFCA OFFICERS ATTENDING

CEO, Finance Officer, Clerk, Digital Communications Officer

APOLOGIES FOR ABSENCE

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|--------------------------|---|
| Councillor P. Brightmore | Wirral Council |
| Mr B. Crawford | MMO appointee (Anglers and Recreation) |
| Councillor A. Gardiner | Lancashire County Council |
| Mr S. J. Manning | MMO appointee (Commercial) |
| Mr S. Mounsey | Environment Agency |
| Mr D. Ward | MMO (Officer) |
| Councillor B. Woolfall | Halton Council |
| Mr C. Clayton | Wirral Council (Officer) |
| Mr I. Hesketh | Cheshire West & Chester Council (Officer) |
| Mr D. McAleavy | Sefton Council (Officer) |
| Mr P. Wright | Halton Council (Officer) |

138 APPOINTMENT OF CHAIRMAN (Agenda Item 1)

The CEO opened the meeting by calling for nominations for Chairman. There were two nominations. Councillor A. J. Markley was nominated by Mr B. Crawford and seconded by Councillor K. Little. Councillor P. Williams was nominated by Mr T. Jones and seconded by Dr E. Baxter.

In accordance with Standing Orders 18(a) and 19 Members voted on each of the nominations.

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| Councillor A. J. Markley | 3 |
| Councillor P. Williams | 9 |

It was RESOLVED that Councillor P. Williams be appointed Chairman of the North Western IFCA for the forthcoming year.

139 CHAIRMAN'S ANNOUNCEMENTS (Agenda Item 2)

1. The Chairman on behalf of the members thanked Councillor Markley for his services as Chairman of the Authority over the past 4 years.
2. The Chairman welcomed visitors and members of the public.
3. Mr D. McAleavy, the Officer contact for Sefton since 2010 will be leaving Sefton at the end of June. Thanks to Dave for his contribution to NWIFCA over the past 7 years. The Chairman welcomed his replacement, Ms Rachel Northover.
4. There is an error in Minute No. 124 (Financial Report) in the minutes of the 17th March 2017 meeting. Members were asked to amend their copies accordingly.
5. Supplementary Papers were tabled: Item 8 (Appointment of TSB) Committee. The Supplementary Report to Item 11 (CEO Report) had been circulated by email. All members should have received a copy.

140 APPOINTMENT OF VICE-CHAIRMAN (Agenda Item 3)

Mr R. Graham was nominated by Councillor Markley and seconded by Mr T. Jones.

RESOLVED

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

141 DECLARATIONS OF INTEREST (Agenda Item 4)

Agenda Item 8. Appointment of TSB Committee. Mr T. Jones, Mr K. Thompson
Agenda Item 13. Science Report. Mr T. Jones

142 TO RECEIVE MINUTES OF THE NWIFCA MEETING HELD ON 17TH MARCH 2017 (Agenda Item 5)

Proposed Councillor A. J. Markley, seconded Dr J. Andrews

RESOLVED

The minutes of the NWIFCA meeting held on 17th March 2017 be approved and signed as a correct record.

143 MATTERS ARISING (Agenda Item 6)

Minute No 123 (Patrol Vessel Procurement). Mr Oddy asked whether the point raised at the previous meeting about financial or legal liability on members had been clarified. The Communications Officer said this is in MACAA and clarification had been circulated to members shortly after the meeting. He would re-send the email to Mr Oddy.

Minute No. 127 (CEO Report). Mr Oddy asked if other IFCA's have been approached to ascertain their policies with regard to officers and access. HoE said access permits are requested from local authorities each year which allows access to sea front car park but not to go onto the beach.

Mr Jones asked the outcome of the enquiry regarding the possibility of EMFF Vessel Funding for the new patrol vessel. CEO said he had been advised that because NWIFCA already has available funds the Authority is not eligible to apply for that particular fund.

Minute No. 136 (Any Other Business). MMO appointments. CEO reported that further information on the appointment process from MMO will be circulated to members. No

progress has yet been made with the MMO recruiting process or appointment of NWIFCA vacancies.

Both Dr Andrews and Mr Oddy reported they had written to MMO following the last meeting but without response. Dr Andrews proposed that MMO be requested to start the recruitment process urgently. The proposal was seconded/ by Mr Oddy.

RESOLVED

1. MMO be requested to start recruitment process for members urgently.

144 FINANCIAL REPORT (Agenda Item 7)

The Finance Officer reported that the internal audit will be carried out on 28th June by independent accountants Moore and Smalley LLP. The outcome will be presented to the September meeting.

Proposed Dr J. Andrews, seconded Mr D. Harpley.

RESOLVED

1. The draft Final Budget Review for 2016-17 be approved.
2. The date for the Internal Audit be noted.
3. The Financial Report be approved.

145 APPOINTMENT OF TSB COMMITTEE (Agenda Item 8)

The outcome of the postal ballot was tabled. Membership of the TSB was approved.

Proposed Mr M. Oddy, seconded Miss C. Salthouse.

RESOLVED

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

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| Dr J. Andrews, | Dr E. Baxter | Mr C. Booth | Mr T. Jones |
| Mr B. Leigh | Mr S. J. Manning | Mr K. Thompson | |

Ex-officio: EA, NE; MMO Officers; Councillor P. Williams (Chairman); Mr R. Graham (Vice Chairman)

146 NWIFCA STANDING ORDERS (Agenda Item 9)

Mr Leigh reported on the further version of Standing Orders. No comments were received following the last meeting but minor changes and edits were made to the previous draft. Provision for an annual review has been included.

Members agreed the following comments at the meeting.

Section 9.2 – Order of Business. ‘Matters Arising’ to be included

Section 9.17. Members should declare personal interests before speaking on each agenda item.

Section 11.3 (Finance and Personnel Committee). Mr Graham said that in the past Finance Committee members who were not Councillors could not vote; however, if

Personnel matters are put within the remit of that committee MMO appointees should be able to vote on personnel matters. Mr Leigh said he would consider an amendment to allow members who are not Councillors to have a vote.

Section 11.5 (TSB Sub-Committee). Councillors should be eligible to be elected TSB members as they may have expertise which could assist the work of TSB.

Scheme of Delegation. These have been structured to meet the needs of the Authority. Discussion took place on Responsibilities and Functions of the various sub-committees and of the Chief Executive Officer.

Full Authority. Dr Andrews suggested the Authority should have the role of monitoring progress on actions as well as approving actions.

Finance and Personnel Sub-Committee. Members asked whether the proposed figure of £10,000 is an appropriate limit for the Finance Committee to approve. CEO said this point will be checked with the internal auditor during their forthcoming visit. The Chairman proposed that disposal of assets above £10,000 is agreed by members either by telephone conference call or email rather than convening a sub-committee meeting. On that basis he would be happy for the limit to remain at £10,000. This was agreed.

Chairman asked that the current recruitment policy is circulated to members. .

Mr Oddy asked if Financial Regulations provide any guidance on IFCA selling its services. Councillor Markley said government policy is to allow any business or organisation to generate income. Mr Leigh said under MACAA and the SI IFCA's are described as a joint committee of local constituent authorities and it seems logical for the Authority to look to sell services where it can. The power to trade flows from the legislation. Mr Johnston said NE receives grant aid money from Defra which funds its statutory responsibilities. That grant aid is decreasing and NE has an increasing role in generating income through commercial activities.

Technical, Science and Byelaw Sub-Committee. There is no mention of delegation of powers to officers in Responsibilities and Functions.

Chief Executive Officer. Human Resources, point 3. The Chairman said there is no mention of HR in the terms of reference of the Finance Sub-Committee and a fresh set of Terms of Reference is needed.

Protection and Conservation, point 6 relating to making emergency byelaws. Dr Andrews suggested the wording should start with either drafting or proposing rather than the word making which has a particular meaning in the context of that legislative procedure.

Governance and Financial Management. Point 10 (Entering into and varying contracts). Miss Salthouse asked if there is some mechanism in Standing Orders to allow decisions to be made by either telephone conference call or email rather than having to wait for a Finance and Personnel Sub-Committee meeting. Mr Leigh said he would consider this. Dr Andrews queried whether point 10 of delegated powers should either link or make some obvious reference across to the Financial Regulations to make it clear what has been done.

Mr Leigh said the Authority should review Standing orders and the Scheme of delegations annually and make changes as required.

The Chairman proposed that comments on the revised Standing Orders and Scheme of Delegations should be submitted to the CEO by the end of June and further drafts circulated to members by 7th August for adoption at the September meeting. The proposal was seconded by Dr Andrews. Vote carried unanimously.

RESOLVED

1. Further comments on the revised Standing Orders and Scheme of Delegation to be sent to the CEO by 30th June 2017 and a further draft circulated to members by 7th August 2017.
2. Final versions be submitted to the September meeting for approval.
3. Thanks to Mr Leigh for his work to date on the review.

147 PATROL AND ENFORCEMENT (Agenda Item 10)

The May TSB committee approved a consultation on the measures to be included in the review of Byelaw 3. The deadline for comments is 27th July. Outcomes will be reported to the August TSB.

An important legislative change is in development. The Sea Fishing EU Enforcement Regulations (2017) is in its final stages of consultation with Defra and should be in force soon. This SI will replace SI 1081 (2000) Enforcement of Community Measures Order which was revoked in error.

Cockle Fisheries. Leven and Pilling beds were open for a total of 175 days. Level of compliance with respect to returns was poor. Official warning letters were issued and 3 permits have been suspended until returns are submitted. Sanctions may be increased if non-compliance continues.

Bass. Authority data was used to evidence Bass authorisations issued by MMO to licensed vessels. MMO has not yet released the list of authorisation holders to IFCAs so HoE is unable to update members on vessels which have received authorisations.

Members asked about the meaning of 'unintentional bycatch' in the Bass regulations and what action the Authority would take if a fisherman was found with significant numbers of bass above the minimum by-catch allowed. HoE said without specific MMO authorisation fishermen are not allowed to retain any bass. IFCAs cannot prosecute offences until the new SI (EU Enforcement Regulations (2017)) is in force. If Bass are found before the SI is in force, evidence and statements would be passed to the MMO for sanctions. Hook and line is not considered unintentional and the Authority can prosecute where fish are caught from the shore.

148 ADJOURNMENT OF MEETING until 1315 hours was agreed.

149 MEETING RECONVENED AT 1315 HOURS

150 PATROL AND ENFORCEMENT (continued)

Haverigg Point to Burgh Marsh Point: Mr Clarke asked what constitutes a beach net, as byelaws do not define the length of net or permits required. HoE said it is hoped to include a review of netting byelaws for discussion at a TSB meeting in the near future.

Haverigg Point to Arnside: On crab/lobster hooking, Mr Clarke asked if the Authority applies the same rules to crab hookers and divers as the 5 pot limit permit scheme for non-commercial fishermen. HoE said the byelaws in the Southern part of the district are different to those in the Northern part. The limits are applied. A district-wide byelaw is planned as part of the ongoing byelaw review.

It was RESOLVED to receive the report.

A Supplementary Report summarised outcomes of AIFCA meetings on 5th and 6th June attended by Councillor Markley. It raised concerns on the reported outcome of the meeting on 5th June, the purpose of which was to consider change options for MMO and IFCA structure and joint working in collaboration. The conclusions of the report seemed to suggest a move towards more integration and perhaps merger with MMO. Discussions with other IFCAs confirm they do not agree that the outcomes as drafted correctly represented their views.

Councillor Markley said the 5th June meeting agreed change could bring improvement but change in IFCA/MMO structures may not be needed.

Miss Salthouse said that it was premature to be considering reorganisation of fisheries management until the outcome of Brexit is known.

In response to a question as to whether there was another option for IFCAs to be empowered to carry out MMO duties, CEO said this would require significant legislative change as MMO has certain national functions such as fishing boat licensing and marine planning which could not easily be transferred to IFCA. IFCAs have offered to consider taking on enforcement of the 6-12 miles zone which is currently done by MMO. This offer seems to have been picked up favourably and may be developed.

Members agreed the CEO should write to Defra expressing the Authority's concerns on the outcome and conclusions of the 5th June meeting and request that IFCAs continue as separate autonomous bodies post Defra transformation.

Byelaws. The Foul Hooking and Permit to Dredge byelaws have been advertised. No comments or objections were received. The Authority will apply to Defra for confirmation of these byelaws as soon as possible emphasising the importance of confirmation of the draft byelaw before 1st August when the emergency byelaw expires.

Vessel Procurement. A new surveyor, Mr Ling, has been appointed following resignation of Seafish surveyor. Mr Ling has undertaken a preliminary survey to bring himself up to date with the current state of the vessel. It was agreed to circulate Mr Ling's notes to members of the Vessel Committee. Holyhead Marine Services have requested minor amendment to the contract being drawn up by the solicitors for the Authority to make one payment on completion of the work rather than six staged payments.

Health and Safety:. Mr Oddy asked if officers log near misses. HoE confirmed recording of near misses is in place.

RESOLVED

1. The Authority returns comments to AIFCA that:
 - I. the meeting on 5th June was arranged at too short notice for attendance by IFCA members;
 - II. NWIFCA does not agree with conclusions that major IFCA – MMO structural change is essential or that models suggesting greater integration of MMO and IFCA should be developed further at this stage;
 - III. NWIFCA believes the current IFCA model including local accountability and decision making is sustainable and vital for coastal fisheries management and protection of the English marine environment.
 - IV. IFCA should continue as separate autonomous bodies post Brexit and the Defra transformation process;
 - V. NWIFCA must be represented on any future working groups and the full Authority must be given the opportunity to consider and approve changes in policy and structure of marine regulation in the 0-6 mile District.

152 COMMUNICATIONS UPDATE (Agenda Item 12)

The Communications Officer updated members on communications work carried out during the quarter.

Clarification for recreational anglers on bass regulations was posted on Facebook. This received 5,000 views and was shared by two major sea angling pages. NWIFCA is also looking to create a separate calendar to champion events and advertise coastal events in the North West area.

Mr Clarke pointed out not all stakeholders have access to Facebook or the internet. He had asked for posters to be posted in prominent positions. HoE said posters had been sent out to IFCOs for posting around the District.

Mr Leigh was pleased to see the proposed creation of a recreational sea angling section on the website. The Authority is not as well known or understood by anglers as it could be and he feels the IFCA can increase positive engagement with recreational anglers.

Members agreed the information provided in the report and Annexes fits in with the objectives of the Annual Plan and what the Authority is trying to achieve.

It was RESOLVED to Receive the report.

153 SCIENCE REPORT (Agenda Item 13)

Marine Protected Areas in the NWIFCA District. A response has been received from NE and JNCC about the West of Walney MCZ but decisions on how that site is to be managed are still needed. The small fish surveys are intended to contribute to development of information about Tranche 3 MCZ sites.

Bivalve Mollusc Working Group. Discussions with partners are continuing on a Bird food model and assessing bird feeding requirements. Mr Jones said the PhD student Mr Feather is not yet fully engaging with relevant bodies on the survey work and members involved with the project are invited to discuss it with Mr Feather.

Small Fish Surveys. Officers are becoming more familiar with working the fyke and seine nets.

Cefas C-Bass Project. Cefas with the help of the science team plan to electronically tag 60 bass as soon as possible. . The project aims to gain better understanding of the ecology of European sea bass.

Heysham Power Station visit and Fish Sampling. Some progress has been made in gaining access to the power station to look at the entrapment of fish on the intake screens.

With regard to small fish surveys, Dr Andrews asked whether the NWIFCA should embark on this unspecified activity without first deciding whether it is a worthwhile enterprise and also what the resource implications of these surveys will be for the Authority. He said that the December 2016 meeting had resolved to proceed with the survey on the basis that a project proposal would be presented to members before surveys commenced. This has not been done. Dr Andrews asked for further discussion before a decision to proceed is taken. CEO said the matter would be further discussed at the next TSB.

N.B. The December 2016 resolution proposed and seconded was "to approve the development of a small fish survey programme". (Clerk

It was RESOLVED to Receive the report.

154 REPORT ON TSB COMMITTEE MEETING HELD ON 16TH MAY 2017 (Agenda Item 14)

The Chairman of TSB, Mr R. Graham, reported.

Leven and Pilling Cockle Fisheries. The beds were open for 175 days from 7th November 2016 to 1st May 2017. The majority of fishing activity was at Leven, Pilling receiving little interest, partly due to the bird flu outbreak on nearby farms.

Science Report. The report covered updates on MPAs, Recreational Sea Angling Strategy, Cefas Bass Tagging Project, Moorside Power Station, Heysham Power Station visit and small fish surveys.

Cockle and Mussel Fisheries. Members were updated on the status of cockle and mussel fisheries within the District.

The report of the BMWG meeting held on 19th April was discussed. There was some difference in opinion on the figures presented on activity from the Leven and Pilling beds. Members were reminded of the requirement for permit holders to submit accurate returns. This issue will likely be a matter for discussion at the next TSB meeting in August.

Bird Food Model Report. Officers are working with partners to progress this ongoing work.

Byelaw Review – Byelaw 3 Permit to fish for cockles and Mussels. Work on the review is continuing and will be further discussed at the next TSB meeting.

It was RESOLVED to Receive the Report

155 ANY OTHER BUSINESS (Agenda Item 15)

1. Miss Salthouse informed members of two events to be held in the North West region during July. The first event on 12th July is a workshop on EU funding and project development for the Atlantic Area to be held at the Maritime Museum in Liverpool. The second event will be held at Liverpool University on 13th July to look at the future Celtic Seas Maritime Region collaboration and follows on the work of the Irish Sea Maritime Forum. Both events are free and Miss Salthouse agreed to provide details of the events for any member interested in attending.
2. Dr Andrews pointed out the Annual Plan had not been included on the Agenda. He would like to see this included either as a separate item or integrated with other reports. Members agreed this would be useful for quarterly monitoring of the Plan and to evidence NWIFCAs achievements.
3. Mr Oddy raised concerns on the amount of food remaining uneaten after a meeting. It was agreed the Clerk should seek confirmation of members' attendance in advance of the meeting and arrange catering accordingly.
4. The Chairman asked members' views on holding some kind of social event. Any comments on this to be submitted to the Chairman.

RESOLVED

1. The Annual Plan be included on Quarterly meeting agendas with updates as appropriate.
2. Members to confirm attendance to Clerk in advance of NWIFCA meetings for catering purpose.

Meeting ended at 1415 hours.