

222 AT A MEETING OF THE NORTH WESTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY held at Morecambe Town Hall on 13th September 2018

PRESENT – MEMBERS

Councillor P. Williams	(Chairman)	Cheshire West and Cheshire Council
Dr J. Andrews		MMO appointee (Marine Environment)
Dr E. Baxter		MMO appointee (Marine Environment)
Mr R. Benson		MMO appointee (Fishing Industry (North West))
Mr C. Booth		MMO appointee (Marine Environment)
Mr S. Brown		MMO appointee (Recreation)
Mr D. Clarke		MMO appointee (Fishing Industry – Cumbria)
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)
Mr S. Manning		MMO appointee (Commercial)
Councillor A. J. Markley		Cumbria County Council
Councillor S. Morris		Lancashire County Council
Mr M. Oddy		MMO appointee (Marine Environment)
Miss C. Salthouse		MMMO appointee (Marine Environment)
Mr K. Thompson		MMO appointee (Commercial/Aquaculture)

IN ATTENDANCE

Mr A. Newlands	MMO (Officer)
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NWIFCA OFFICERS ATTENDING

CEO, Finance Officer, Head of Enforcement, Clerk, Senior Scientist

APOLOGIES FOR ABSENCE

Councillor L. Beavers	Lancashire County Council
Councillor J. Elmes	Blackpool Borough Council
Mr P. Gray	MMO (Officer)
Mr M. Johnston	Natural England
Councillor K. Little	Cumbria County Council
Ms K. Nisbet	Natural England
Councillor M. Patrick	Wirral Council
Dr B. Pearce	MMO (Marine Environment)
Councillor B. Woolfall	Halton Council
Mr G. White	Sefton Council (Officer)
Mr P. Wright	Halton Council (Officer)

223 CHAIRMAN'S ANNOUNCEMENTS (Agenda Item 1)

1. The Chairman announced apologies, welcomed visitors and 2 new members appointed by MMO: Mr Rob Benson and Dr Bryony Pearce.

224 DECLARATIONS OF INTEREST (Agenda Item 2)

Agenda Item 8 (Report on TSB Sub-Committee meeting held on 7th August 2018). Mr R. Graham, Mr T. Jones, Mr S. Manning.

Agenda Item 9 (Science Report). Mr T. Jones, Mr S. Manning

Agenda Item 10 (Whelk potting dispensation). Mr R. Benson, Mr D. Clarke, Mr R. Graham

Agenda Item 11 (NWIFCA Cockle and Mussel Permit Byelaw 2018). Dr J. Andrews, Mr R. Benson, Mr T. Jones, Mr S. Manning.

225 TO RECEIVE MINUTES OF ANNUAL MEETING HELD 28TH JUNE 2018 (Agenda Item 3)

Members thanked Mr Leigh for the information he had produced at Annex A on the trading powers of local inshore fisheries authorities.

RESOLVED Minutes of the Annual Meeting held 28th June 2018 be approved and signed as a correct record.

226 MATTERS ARISING (Agenda Item 4)

1. Minute No. 210 (Financial Report). Dr Andrews asked Mr Leigh to summarise his note on the Authority undertaking commercial activity with North Western Protector. Mr Leigh said were the Authority to pursue commercial activity it should seek legal advice. He commented that as the vessel has only just been acquired, the time which may be available for such work is not yet known. CEO said the Authority will consider any enquiries to use the vessel and consider each on its merits. The Authority will also further develop joint working with MMO and other bodies who may make use of the vessel for interests which are in line with our interests and objectives. Members agreed to re-visit this matter again in 12 months' time.
2. Independent Audit of Authority's policies, procedures and governance. Dr Andrews asked for an update on the proposal. The Chairman said he will deal with this under Any Other Business.

RESOLVED: Commercial use of NWP be re-visited in September 2019.

227 FINANCE REPORT (Agenda Item 5)

The Chairman proposed a change in the Agenda to take Item 6 next and this was agreed.

228 PATROL AND ENFORCEMENT (Agenda Item 6)

Area Summary. With respect to the report that trawling activity has been limited in Whitehaven due to a lack of refrigerated storage Mr Graham said refurbishment is taking place in the fish hall to replace chillers. Meanwhile, ice and fish landed were stored in refrigerated vehicles which has not impeded fishing activities in Whitehaven.

NIMEG. The use of inspections forms needed to comply with the PACE 1984 was agreed.

Health and Safety. There have been no Health and Safety issues within the quarter.

Mussel Fisheries. Undersize mussels were fished from South America and Falkland skears by only a few permit holders. Approximately 15 tonnes of mussel were removed.

Cockle Fisheries. Only North Penfold this quarter was open on 30th July for two days.

Sanctions. Mainly for failure to comply with shellfish returns. Verbal and advisory letters were issued, official warning letters sent and 4 permits suspended until returns were provided. One prosecution pending is for illegal gathering of cockles in the Ravenglass estuary. There are a number of ongoing investigations at this time.

The Chairman asked for an update on the Brian Faulkner case. CEO said the solicitor is pursuing this but no costs have yet been received.

Bass angling. Mr Clarke asked if officers are concentrating enforcement effort on hotspot areas for taking bass. HoE noted that IFCOs did not receive proper enforcement powers until 19th August. Prior to that operations had to be joint with MMO, thus limiting effectiveness.

Mr Leigh said ICES re-examination of research in 2017 had led to publication of revised figures in June showing Bass stocks had been underestimated which has now been accepted by the European Commission. The Council of Ministers will later this month consider a reinstatement of the 1 bass per day for recreational anglers. He asked that

should the rule be changed from 1st October, the Authority would urgently communicate the change to the recreational sector.

Mr Brown suggested the Authority should offer HoE and IFCOs more support. As a former officer he knows the limitations on the legal obligations to keep within certain working hours. Dr Andrews agreed that officers should be supported wholeheartedly. They often find themselves isolated. The Authority should offer support by encouraging other authorities to assist with enforcement matters at difficult times.

Mr Newlands asked if the Authority has considered using body worn video. HoE said they have been issued recently and are worn routinely.

It was RESOLVED to receive the report.

229 The agenda reverted to the Agenda as printed

230 FINANCIAL REPORT (Agenda Item 5)

The Finance Officer reported the independent auditors Moore & Smalley had carried out the audit for 2017-18 in June, which was found to be in order. A balance sheet was provided at Annex C to the report as requested at the Annual Meeting.

Dr Andrews proposed, seconded Councillor Markley.

RESOLVED

1. The final Budget Review, Bank Reconciliation and Balance Sheet for the year ended 31st March 2018 be approved.
2. The Independent Audit Report for the year ended 31st March 2018 be approved.
3. The Budget Review 1st quarter of the current financial year 2018-19 be approved.

231 CEO REPORT (Agenda Item 7)

CE reported that following the appointments of Mr Benson and Dr Pearce there is one remaining MMO vacancy on the Authority. MMO has been asked to start recruitment as soon as possible. Mr Oddy said the vacancy is not advertised on either the MMO or NWIFCA websites. Mr Newlands agreed to investigate.

Communications. Priority work in the quarter was on the naming and dedication ceremony for the new vessel. A summary of other communications work was provided in the report.

AIFCA Minutes. Minutes of the 5th June meeting had been discussed at the Annual Meeting. The next AIFCA meeting will be held on 25th September.

iVMS. Defra has abandoned the proposed project structure due to legal difficulties with that model. More information may be available at the AIFCA meeting.

Dr Andrews said irrespective of the funding structure and its shortcomings his recollection was the EMFF funds being sought could be used by government and IFCA's to enable fishermen to meet an upcoming obligation they will have to face. CEO said government intention is to create an SI for iVMS which will require all fishermen fishing in UK waters to have iVMS installed on their vessel. It is felt IFCA broadly supports this proposal which will provide traceability and information about fishing activities. Wording of the SI is awaited.

Concerns were raised as to whether government will have an alternative proposal in place by Brexit next March and whether that funding will be lost if not. Cost of the units is

estimated at £1,300 for installation and first year's licence fee. Mr Leigh suggested this is a significant cost for small inshore boats but less so for the larger vessels.

Fisheries White Paper. Mr Brown's comments on the consultation which closed on 12th September are included in the report. The AIFCA response was provided at Annex B.

"North Western Protector" Update. The vessel was delivered to Whitehaven on 5th July and is now in regular use. The dedication and commissioning ceremony for "North Western Protector" in Whitehaven had gone well. It was agreed that the Authority's formal thanks to Mrs Dobson for her work in arranging the event be recorded. Mr Brown said the defaced ensign which the Authority has previously approved to adopt was not on the vessel at the ceremony. CE agreed to look into this.

FPV "Solway Protector". The vessel has been sold to Jevington Logistics Ltd. for the sum of £25,000. It is thought the vessel will remain in Whitehaven. Mr Oddy pointed out the vessel is still shown as being for sale on the MMO website. CEO said he will look into this.

Proposed Dr Andrews, seconded Councillor Markley.

It was RESOLVED to receive the report

232 TSB SUB-COMMITTEE 7TH AUGUST 2018 (Agenda Item 8)

Chairman Mr Graham presented the report.

Chinese Mitten Crab. 3 found in the Walney Channel in May. DAERA are refusing to allow seed mussel from Heysham Flat to be relayed in Northern Ireland. Science team are working to determine further evidence and alleviate the fears of industry.

CSFC Byelaw 25. This byelaw effectively prevents the use of whelk pots in the Cumbria SFC district by requiring all creel and pots to have escape gaps. TSB agreed to seek a dispensation against Byelaw 25 to allow whelk pots without escape gaps. See Item 10.

It was RESOLVED to receive the report.

233 SCIENCE REPORT (Agenda Item 9)

MCZ. MMO has completed a consultation on the proposed byelaw to prohibit bottom towed gear within the West of Walney MCZ. NFFO has launched an objection to both the byelaw and designation of that site. MMO response to that objection is awaited.

Consultation to Tranche 3 sites ended on 20th July and outcomes are awaited.

Assessment of Fishing Activities in EMS. Defra timescale is December 2018 for completion of EMS assessments of bait collection. Dr Andrews was concerned that assessments will impact Science team priorities. An analysis of work that may be delayed was provided at Annex A. The Senior Scientist said levels of activity do not show a serious risk to conservation features. Most assessments will likely only need to be taken to Test of Likely Significant Assessment but this will not be confirmed until available data has been analysed.

NWIFCA Research Projects.

Cefas Bass Population and tagging study. The Deputy Senior Scientist worked with Cefas in July to tag 26 >40cm bass with data storage tags using rod and line and 60 <40cm with T-bar tag. Drift netting carried on the same tide proved unsuccessful.

A Cefas workshop for anglers and others to discuss their work on bass will be held on 27th September, Royal Station Hotel, Carnforth. The Senior Scientist agreed to request a video link and posting presentations on line.

Whelk Fisheries. NWIFCA has dispensation from MMO for one fisherman to provide samples and to take undersized whelk. The equipment is now available and he will be obtaining samples over at least a 12 month period. Dr Andrews asked if there is a possibility of getting other operators involved in that programme. The Senior Scientist said the initial 12 months will determine how the science team is able to deal with the numbers of samples coming in and could then possibly look to expand the project.

Mr Manning said whelk MLS research has probably been carried out nationally. The Senior Scientist said research showed regional differences. Scientific evidence is needed to justify any increase in MLS for Authority approval.

Non-lethal deterrents of seals. An MMO project to improve advice on preventing seals from taking fish catches was outlined at Annex C. Field tests of the most promising options will be undertaken following the online survey exercise. Mr Oddy said culls in Scotland take place under supervision. Mr Newlands agreed to get an MMO line and report back.

Proposed Mr Leigh, seconded Dr Baxter.

It was RESOLVED to receive the report.

234 WHELK POTTING DISPENSATION Agenda Item 10)

The Senior Scientist reported TSB concerns that there is no vessel length restriction in the 3 to 6 mile limit in the Cumbria district. If the dispensation proposed at TSB is approved, the Authority could unintentionally allow large vessels to fish with inordinate numbers of pots. The report proposes a vessel length restriction be instigated within the dispensation and also a pot restriction. From information received from fishermen officers realise not enough is known about this fishery. The Senior Scientist asked members to consider not going ahead with the recommendation in the report. A new draft of the proposed potting permit byelaw will be sent to TSB soon. A stakeholder meeting with whelk fishermen will be held as soon as possible in Whitehaven to increase understanding of the fishery, together with an informal industry consultation on the draft Potting Byelaw.

Mr Graham said Byelaw 26 is not fit for purpose in terms of whelks and must be replaced.

Mr Brown welcomed the suggestion of a 15m registered length but said the Cumbria vessel length byelaw states that vessels over 15m can fish in certain parts of the Solway Firth. The Authority is in danger of contradicting itself and science team should consult with industry and report back to TSB.

Mr Clarke said Byelaw 25, relevant only to the north of the district, may be misinterpreted. The Senior Scientist said it was designed for the protection of juvenile crab and lobster.

235 The Chairman adjourned the meeting for lunch.

236 MEETING RECONVENED AT 1330 HOURS

237 WHELK POTTING DISPENSATION (continued)

The Senior Scientist said she will inform members of the whelk meeting once organised.

Miss Salthouse said vessels need to have 1,000 pots to be commercially viable but the draft says 600. She suggested a pot number restriction only is needed and not vessel length. This number would need to be low until stock evidence has been established and the impacts of fishing known.

Members asked why escape gaps for crab and lobster were not considered for the south of the district. The Senior Scientist said there are different methods in different parts of the district which will get consolidated under the new byelaw.. Mr Newlands said North Eastern IFCA has experienced a similar scenario in respect of scallops in a part of their area. Their approach was to issue a limited number of permits based on track record to collect data they needed to assess stock whilst allowing those with permits to make a living off the fishery.

Dr Andrews said the draft derogation reads like a new byelaw and goes beyond what he would understand a derogation to be. The Senior Scientist agreed that the vessel length restriction and the number of pots restriction make it look like a new byelaw. TSB had agreed a derogation in exchange for gathering scientific information in order to help the development of the new flexible permit byelaw.

The Senior Scientist said she would like it recorded that she is not in favour and objects to the idea of a dispensation being approved today without controls in place.

Mr Brown proposed that members of the industry be consulted to gather as much information as possible and report back to TSB. Getting information is essential.

Mr Harpley seconded the proposal and a Vote showed 11 in favour so was carried.

RESOLVED: A meeting be arranged with industry to discuss the whelk fishery with a report back to TSB if possible before the November meeting.

238 NWIFCA COCKLE AND MUSSEL PERMIT BYELAW 2018 (Agenda Item 11)

CEO reported that a new version of the byelaw had been sent to MMO who have raised 2 substantial queries: 1. The wording of commercial areas gives the Authority too much delegated power and 2. Proposed variations to the annual fee are not clear enough. Officers are keen to keep commercial areas. Further discussions with MMO are proposed to find a solution. CEO suggests leaving the fee at £500 until the next review.

Mr Manning asked where non-commercial gathering of 5kg will be allowed. CEO said as at present when beds are open gatherers will be allowed to take 5kg for their own use as long as the bed is not within a commercial area.

Mr Manning asked for confirmation that a person placed on the waiting list at 15 but later than a 12 year old would not receive his permit before the younger applicant. CEO said this would depend on the length of the waiting list and when the respective children received their NINO.

Mr Manning asked about the position of foreigners on the waiting list after Brexit. CEO said the Authority will comply with a deal agreed by the Prime Minister.

Mr Brown raised drafting points. CEO agreed to discuss these after the meeting.

RESOLVED. This byelaw be referred to TSB.

239 ANNUAL PLAN 2018-19 (Agenda Item 12)

CEO reported that quarter 2 monitoring has been completed.

It was RESOLVED to receive the report.

240 DATES OF MEETINGS 2019 (Agenda Item 13)

Members reported traffic problems attending today's meeting due to the Westmorland Show. It was agreed to change the date of the September 2019 meeting to Friday, 13th.

Proposed Chairman, seconded Dr Baxter.

RESOLVED

1. The date of the NWIFCA September meeting be changed to Friday, 13th.
2. Dates for the remainder of NWIFCA and TSB Sub-Committee meetings for 2019 be agreed as in the report.

241 ANY OTHER BUSINESS (Agenda Item 14)

Independent Audit of Authority's policies, procedures and governance. The Chairman said he will organise meetings with the funding authorities in the near future. Terms of reference, budget and funding need to be determined.

Meeting ended 1415 hours.