

188 AT A MEETING OF THE NORTH WESTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY held at Morecambe Town Hall on 15th March 2018

PRESENT – MEMBERS

Councillor P. Williams	(Chairman)	Cheshire West and Chester Council
Mr R. Graham	(Vice-Chairman)	MMO appointee (Commercial)
Mr S. Brown		MMO appointee Recreation)
Mr B. Crawford		MMO appointee (Anglers and Recreation)
Mr P. Gray		MMO (Officer)
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
Mr M. Oddy		MMO appointee (Marine Environment)
Miss C. Salthouse		MMO appointee (Marine Environment)
Mr K. Thompson		MMO appointee (Commercial/Aquaculture)

IN ATTENDANCE

Ms R. Joyce	MMO (Officer)
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NWIFCA OFFICERS ATTENDING

CEO, Finance Officer, Head of Enforcement, Clerk, Digital Communications Officer, Senior Scientific Officer

APOLOGIES FOR ABSENCE

Dr J. Andrews	MMO appointee (Marine Environment)
Councillor L. Beavers	Lancashire County Council
Mr C. Booth	MMO appointee (Marine Environment)
Mr D. Clarke	MMO appointee Fishing Industry – Cumbria)
Councillor J. Elmes	Blackpool Council
Mr S. Garner	Environment Agency
D. Harpley	MMO appointee (Marine Environment)
Councillor K. Little	Cumbria County Council
Councillor B. Woolfall	Halton Council\
Mr C. Clayton	Wirral Council (Officer)
Mr I. Hesketh	Cheshire West and Chester Council (Officer)
Ms R. Northover	Sefton Council (Officer)
Mr G. White	Sefton Council (Officer)
Mr P. Wright	Halton Council (Officer)

189 CHAIRMAN'S ANNOUNCEMENTS (Agenda Item 1)

1. The Chairman welcomed Ms Rachel Joyce (MMO Marine Conservation Team) and visitors.
2. The proposed Environment Agency salmon and sea trout protection byelaws will be taken after Agenda Item 10 (Science Report)

190 DECLARATIONS OF INTEREST (Agenda Item 2)

Agenda Item 9 (Report on TSB Committee meeting held on 6th February 2018. Mr T. Jones, Mr R. Graham
Agenda Item 10 (Science Report). Mr S. Manning, Mr T. Jones, Mr R. Graham

191 TO RECEIVE MINUTES OF NWIFCA MEETING HELD ON 8th DECEMBER 2017 (Agenda Item 3)

Proposed Mr Crawford, seconded Mr Thompson

RESOLVED

The minutes of the NWIFCA meeting held on 8th December 2017 be approved and signed as a correct record.

192 MATTERS ARISING (Agenda Item 4)

There were no matters arising.

193 FINANCIAL REPORT (Agenda Item 5)

The report presented the budget review to 31st January 2018. There is currently a surplus but several large payments are due in March.

The Chairman asked if the Authority has funds to cover additional costs for work on the replacement patrol vessel. It was agreed to discuss this at Agenda Item 8.

Miss Salthouse suggested it might be useful to include an additional column to indicate the reason an item is better or worse than budget.

A breakdown of the Transport expenditure was requested. It was explained that this includes all transport costs apart from the new patrol vessel funding which is shown as a separate item under the heading Replacement Patrol Vessel, and that assets are listed at cost in the Annual Return in line with reporting brought in by the Audit Commission.

Proposed Mr Manning, seconded Councillor Markley.

RESOLVED

The budget review to 31st January 2018 be approved.

194 PATROL AND ENFORCEMENT (Agenda Item 6)

General. Five IFCOs attended and passed the enforcement training course at Torquay. The Intel project is continuing. IFCO Waltho is now Intel Officer. IFCO Sirkett was appointed a permanent member of staff and will be trained as engineer for the new patrol vessel. Two officers are progressing through the Officer Accreditation Scheme.

NIMEG. The last meeting in November 2017 discussed standardisation between IFCAS with regard to policies and procedures in place. Mr Leigh asked for clarification on the use of personal checks for new IFCO recruits and asked whether officers institute disclosure checks for all applicants or for those who are selected. The HoE said the checks are just background checks but NIMEG had agreed to progress with disclosure checks in future.

Mr Leigh asked about formal cautions in IFCAs sanctions policy. The HoE said IFCAs have kept the use of formal cautions for such as recreational fishing offences. The Authority has the statutory right to issue a caution in the same way as a police caution

Legislative changes. Bass regulations: Mr Crawford voiced concerns that the EU legislation could result in additional enforcement for officers. When the regulations first came into force he had asked for posters to be put in tackle shops but this had not been done. Mr Moulton said this is done every year. This year officers have been directed to issue a national poster. It is hoped MMO approval to the poster will be received today in order for officers to put these out next week. Mr Crawford offered to arrange for posters to be placed in shops if he could be sent some when approved.

Mr Leigh informed members there is further work planned this year with ICES and other bodies to look at recreational bass angling.

Mr Brown raised the question of EU Regulation 850/98 and asked where under that regulation it allows the EU to lay down legislation for fishing from the shore. HoE said that area of 850/98 is open to discussion. His predecessor had taken the stance it could be enforced. The MMO representative was asked to check the point. HoE said officers are operating on counterparts to their warrants to enforce this legislation from the MMO. Mr Gray said MMO will be contributing significant resource towards the enforcement of bass regulations in the district which should help to ease the burden on IFCOs. Mr Oddy suggested officers consider placing an article in newspapers about the new regulations to make fishermen aware of these and pointing out it is a EU regulation. The Communications Officer thought a national approach should be taken rather than localised. He was asked to investigate newspaper options.

Mr R. Graham brought up a point about netting and the distinctions between hobby fishing, recreational and commercial. CEO said the netting byelaws are the next urgent byelaws to review. Members' comments or suggestions as to what should be included in these byelaws will be welcomed.

Cockle and mussel fisheries. Flookburgh and Leven fishery progressed well through to autumn. Effort changed to Pilling through the Christmas period. There has been a limited amount of mussel fishing at West Kirby.

Byelaw 3 returns. Compliance dropped significantly in the autumn which led a series of advisory and official warning letters to be issued.

Sanctions, Infringements and Court Activity. Officers were in court at the end of February for the trial of Rafal Swiatek for obstruction at the Leasowe fishery. He was found guilty and fined £450 in total. The Authority was awarded full costs.

It was RESOLVED to receive the report. Proposed Mr Leigh, seconded Mr Jones.

195 CHIEF EXECUTIVE REPORT (Agenda Item 7)

Communications. The Communications Officer attended the Torquay enforcement course and is now a fully trained fishery officer. The website has been further developed and comments on this are welcomed.

The General Data Protection Regulations (GDPR) comes into force on 25th May. Officers are reviewing all data handling procedures and data held. New Data Protection Policies will need to be put in place to comply with the Act. Consideration may need to be given to providing each member with a NWIFCA email address as officers will not be able to use members' personal emails for circulation of papers once the regulations are in force. The Lake District National Park is providing advice.

Association of IFCA. Notes of the meeting held on 5th December 2017 are provided at Annex A to the report. At the meeting on 6th March the Defra Deputy Director reported that publication of the Fisheries White Paper will be soon. The paper will set out measures for medium terms for control of waters and powers to manage fisheries. The Fisheries Minister reported that publication of the White Paper is planned for April with a bill in Parliament before the summer recess.

A new Joint Marine Operations Control Centre has been established at Portsmouth to coordinate marine regulation by a range of agencies around the country. The HoE said the Chair of NIMEG had attended a JMOC committee meeting and will report to IFCA.

IFCA funding. Funding is available through to 2020 but not beyond. The Minister was asked about IFCA funding but could not make promises. Changes are being made to the way local services are funded which could have an impact on IFCAs.

Inshore Vessel Monitoring System (iVMS). There is a policy intention to require iVMS for all under 12m commercial fishing vessels under an SI. An EMFF grant is available to provide funding but IFCAs may be asked to buy and install units and claim funds from EMFF. Financial regulations may limit the capacity of IFCAs to fund iVMS in this way. Officers recommend that no decision be made until this is available. CEO said MMO has been asked to investigate any other possible models of providing funding for iVMS.

Byelaws. The permit to dredge byelaw 2017 was confirmed in December 2017. The Prohibition on foul hooking byelaw is with Defra for confirmation. Ms Joyce said the byelaw was ready for sign off and agreed to chase this up.

Other byelaws being considered at present are Byelaw 3 (cockle and mussel permit), potting permit byelaw and netting byelaws. Legal advice is awaited from MMO on Byelaw 3. A further draft will be considered by TSB once that advice is received.

Mr Oddy asked for the background to Devon & Severn IFCAs decision to resign their membership of the AIFCA. CEO said Devon & Severn have been dissatisfied with the AIFCA for a number of years. Their complaint was the Association was not being run properly or transparently. Membership of the AIFCA is not a statutory requirement. The Chairman of AIFCA is trying to convene a meeting with D&S to try and resolve the issues of concern. The Chairman voiced concerns that with Devon & Severn's departure from the AIFCA the local fishing community there is no longer represented.

Mr Graham informed members that Countryfile will be running a programme on the voluntary netting ban at St Bees Head.

Proposed Mr Oddy, seconded Miss Salthouse.

It was RESOLVED to receive the report.

196 VESSEL COMPLETION AND DELIVERY (Agenda Item 8)

CEO reported the build is on schedule and delivery of the new vessel North Western Protector should be the middle of April. An asset transfer agreement prepared by Cumbria County Council for the old Solway Protector is being signed, sealed and returned and the vessel should soon be in the formal ownership of the Authority. It is intended to advertise sale of the vessel within the next few weeks.

Councillor Markley voiced concerns on the content of a letter received from Cumbria Council concerning the sale proceeds of the "Solway Protector". The Chairman said both his and the CEO's understanding of that letter is that Cumbria expects the proceeds of the vessel to be used specifically for the acquisition of the new patrol vessel and not in lieu of their levy contribution.

The Chairman raised his point mentioned earlier in the meeting on whether the Authority has adequacy of resources to cover any additional work on the build. It was suggested Holyhead Marine Services be asked to provide an estimate of the final bill for the vessel. Members agreed the Finance Committee should have a telephone meeting to approve the final costing once this has been received from the boatyard.

RESOLVED

1. The new time line for vessel delivery be noted and approved.
2. The planned sale of "Solway Protector" be approved.
3. A naming and dedication ceremony be arranged.

4. The final cost of the vessel be approved by the Finance Committee

197 REPORT ON TSB SUB-COMMITTEE MEETING HELD ON 6TH FEBRUARY 2018

Chairman of the TSB Sub-Committee, Mr Graham, reported.

A minute's silence was held at the start of the meeting in memory of former member, IFCO and Deputy Chief Officer Keith Willacy and for those who died in the Morecambe Bay Tragedy 14 years ago.

Matters Arising. The St Bees Code of Practice is now in operation. Poor compliance will result in the introduction of a byelaw.

Razor Clam Management Report. This is a lengthy document which provides an overview of the management of razor clam fisheries in the UK and Europe.

Cockle and Mussel Report. A fisheries closure to minimise the disturbance to feeding and roosting SPA birds in cold weather was considered. Science officers met with Natural England and agreed the risk was low and the beds should remain open.

Penfold North was surveyed in November and will be surveyed again in spring.

Cockle and Mussel Fisheries Enforcement Report. Returns compliance has dropped. Returns are a permit requirement and adherence is important.

Byelaw Review. A flexible permitting byelaw for potting is proposed which will affect both commercial and recreational sectors. A draft byelaw will be submitted to the TSB for consideration.

Byelaw 3. An element of the proposed byelaw is the question of the trading permit. A query was raised in respect of IFCA powers and it was agreed to seek legal advice on this from MMO.

The TSB considered the minimum age at which a minor could apply to go on the waiting list. Members approved setting the minimum age at 12. Mr Manning voiced concerns on the proposed age limit and suggested there should be some criteria to prove the applicant comes from a fishing community and has some kind of fishing experience going out with their parent. Mr Leigh said a person under 16 accompanying a permit holder requires a permit from a local authority to engage in the activity. It is unlikely a local authority would give a young person of 12 or 13 the ability to work on the beach because of risk factors involved. The HoE said there had been a wide-ranging discussion surrounding the enforcement of minors on the beach at the TSB meeting. He felt it was clear at that meeting the Authority would not be willing to go down that line of enforcement of juveniles in an intertidal environment.

Councillor Markley proposed the report be noted and that the matter be referred back to the TSB for further discussion.

Mr Oddy said it would be useful if a paper could be produced outlining what can currently be done to clarify the difference between commercial and hobby or recreational fishing. Ms Knott thought it would also be useful for members to be given some history and background to this discussion, the different options that have been looked and also the way other IFCAs manage their cockle fisheries. A concise document could be produced to give members well-informed information.

Mr Graham informed members that one further item discussed by the TSB and not in the report was consultation on the Tranche 2 West of Walney MCZ.

It was RESOLVED to receive the report.

198 ADJOURNMENT OF MEETING UNTIL 1350 HOURS was agreed

199 MEETING RECONVENED AT 1350 HOURS

200 SCIENCE REPORT (Agenda Item10)

Cockle and Mussel Fisheries

Cockles. Ribble Estuary – Penfold North will be surveyed next week where stock is slow growing 2015 cockle. A meeting of the Bivalve Mollusc Working Group may be needed to determine management for the fishery depending on the results of the survey.

Marine Protected Areas in the NWIFCA District. Consultation on the Tranche 3 MCZ is expected in spring 2018. No further news is available on this.

Science Work Plan for 2018. A main priorities for the science department will be familiarisation with the new patrol vessel and equipment.

A further priority is whelk stock assessment and work on increasing conservation reference size for whelks as interest in whelk fishing is increasing. Welsh Government has consulted on their whelk fisheries. The activity is mainly carried out outside the district but the fish are landed within it. Mr Graham said there is little background to minimum landing sizes for whelks and more information is needed about MLS in general.

Nephrops creel fishery. This project is going ahead with NE and Wildlife Trusts and working with fishermen around trialling nephrops creels in West of Walney MCZ to see if they are successful and whether there is any potential for a different kind of fishery there.

The report highlights numerous developments relating to energy production proposed or underway in the district. Proposals outlined in the report include Preesall Gas Storage, West Cumbria Mine and Nugen Moorside Nuclear Power Station, all of which have implications in the marine environment and fisheries in the district.

Preesall Gas Storage and Marine Monitoring Group (MMG). The Science Team met Halite in January to clarify the Authority's role and highlight the need for Halite to better liaise with fishing stakeholders. The MMG will meet on 27th March. The Authority's main role in the project is to be involved in the MMG to make sure the brine discharge conforms to the model under which it received its discharge consent from the EA.

Mr Brown said monitoring of the discharge is extremely important. He felt this should be carried out hourly as a minimum criterion and not quarterly as stated in the consent. He proposed the Authority give the Senior Scientist full support in her attempts to ensure the MMG carries out robust and continual monitoring of the brine discharge. The proposal was seconded by Councillor Markley.

Mr Graham voiced concerns that Halite Energy is not a member of the Community Liaison Panel and felt the developer should be more accountable. It is important that separate consultation with fishing interests in Morecambe Bay is carried out because of the possible impact of the discharge on fishing activities.

RESOLVED

Members support the Senior Scientist in her efforts to encourage the Marine Monitoring Group to carry out robust and continual monitoring of the brine discharge, preferably a minimum period of hourly monitoring initially

Mr Oddy asked for clarification on the Dong Energy – Middleton Outfall shown in Item 12, MMO Marine Licence consultations. The Senior Scientist said this was an error in the report and these are two different projects, one related to Dong Energy who has been having difficulty in burying the offshore cable they are bringing into Middleton. The other is United Utilities Middleton Outfall where UU have had issues for a number of years with sand around the sewage outfall diffuser.

North West Marine Plan. Miss Salthouse informed members the consultation period for NW Marine Plan iteration 2 and also the Wales Marine Plan both close on 29th March.

Proposed Mr Oddy, seconded Mr Leigh.

It was RESOLVED to receive the report.

201` SALMON AND SEA TROUT BYELAWS

The EA is currently advertising byelaws for the protection of salmon and sea trout. CEO will collate responses and submit to the EA by the consultation deadline of 6th April.

Councillor Markley voiced concerns that the heritage and cultural importance of haaf net fishing should be preserved. Members also felt the consultation period is too short. CEO agreed to submit a response taking into account those comments.

202 ANNUAL PLAN 2018-19 (Agenda Item 11)

No comments were received following the December 2017 meeting. CEO will provide a report on the plan at each quarterly meeting for members to comment on progress.

The Chairman asked if the Authority has adequacy of crew for the new patrol vessel given the potential to carry out contract work. He suggested the commercial feasibility for the future of this be explored.

Proposed Mr Crawford, seconded Miss Salthouse.

RESOLVED

The amended 8th Annual Plan 2018-19 be approved.

Meeting closed at 1425 hours.