

242 AT A MEETING OF THE NORTH WESTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY held at Morecambe Town Hall on 6th December 2018

PRESENT – MEMBERS

Councillor P. Williams (Chairman)	Cheshire West and Chester 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 P. Gray	MMO (Officer)
Mr D. Harpley	MMO appointee (Marine Environment)
Mr T. Jones	MMO appointee (Commercial/Aquaculture)
Councillor A. Leech	Wirral Council
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
Ms K. Nisbet	Natural England
Mr M. Oddy	MMO appointee (Marine Environment)
Dr B. Pearce	MMO appointee (Marine Environment)
Miss C. Salthouse	MMO appointee (Marine Environment)
Mr K. Thompson	MMO appointee (Commercial/Aquaculture)

IN ATTENDANCE

Mr C. Clayton	Wirral Council (Officer)
Mr G. White	Sefton Council (Officer)

NWIFCA OFFICERS ATTENDING

CEO, Finance Officer, Head of Enforcement, Clerk, Senior Scientist, Master of Patrol Vessel

APOLOGIES FOR ABSENCE

Councillor J. Elmes	Blackpool Council
Councillor B. Woolfall	Halton Council
Mr P. Wright	Halton Council (Officer)
Mr I. Hesketh	Cheshire West and Chester Council (Officer)

243 CHAIRMAN'S ANNOUNCEMENTS (Agenda Item 1)

1. The Chairman announced apologies and welcomed new members Councillor A. Leech (Wirral Council), Dr B. Pearce (MMO appointee) and visitors.
2. Members should have received a copy of the Chairman's Report (Agenda Item 14). Hard copies were available from the Clerk.

244 DECLARATIONS OF INTEREST (Agenda Item 2)

Agenda Item 7 (Patrol and Enforcement). Mr R. Benson, Mr T. Jones, Mr S. Manning
Agenda Item 9 (Report on TSB Sub-Committee meeting held on 6th November 2018). Mr D. Clarke, Mr T. Jones
Agenda Item 10 (Science Report). Dr J. Andrews, Mr R. Benson, Mr T. Jones, Mr S. Manning.

245 TO RECEIVE MINUTES OF NWIFCA MEETING HELD ON 13TH SEPTEMBER 2018 (Agenda Item 3)

RESOLVED. Minutes of the NWIFCA meeting held on 13th September 2018 be approved and signed as a correct record.

Proposed: Dr J. Andrews

Seconded: Mr K. Thompson

246 MATTERS ARISING (Agenda Item 4)

1. Minute No. 231 (CEO Report). Mr Graham asked about progress with regard to the appointment of MMO representatives. Mr Gray said he has asked for an update and the situation is ongoing.
2. Dr Andrews suggested in view of the interest of industry visitors in cockle fishing that the fishermen be asked to introduce themselves and the protocol for the meeting be clearly set out to them. The Chairman welcomed visitors Laurie Wells, Michael Rowlings, Colin Bryden, Terry Davies, Simon Ward, Henry Evans, Michael Scott Jones and Robert Butler.

247 REPORT ON FINANCE COMMITTEE MEETING HELD ON 6TH DECEMBER 2018 (Agenda Item 5)

Finance Committee Chairman Councillor Markley reported that the budget and levy for 2019-20 had been discussed and members agreed a 2% levy increase rather than the 2.5% recommended in the report. The levy figures will be recalculated accordingly and put into the Annual Plan in due course.

It was RESOLVED to receive the report.

248 FINANCIAL REPORT (Agenda Item 6)

The Finance Officer presented the report and drew attention to the recommendations.

RESOLVED

1. That the Budget review to 30th September 2018 be approved. Proposed: Dr Andrews, Seconded: Councillor Markley.
2. That the Budget and levy figures for 2019-20 be amended and approved at 2%.
3. That the effectiveness of independent audit be approved and Moore & Smalley be appointed as independent auditors. Proposed: Councillor Markley, Seconded: Miss Salthouse.
4. That the Risk Assessment be approved. Proposed: Councillor Markley, Seconded: Dr Andrews.

249 PATROL AND ENFORCEMENT (Agenda Item 7)

General Update. Enforcement officers completed their job reviews. One officer took paternity leave in September.

NWIFCA Byelaw 3. The quarter saw the end of the closed season with regard to cockles. 108 Byelaw 3 permits have been renewed with a potential maximum of 126 to renew.

Accreditation Scheme. A national level fisheries enforcement course is now being implemented across all IFCA. HoE has been appointed a quality assessor for the scheme which will involve some training.

Report on open fisheries. Significant large-scale fisheries taking place during the quarter were Heysham seed mussel fishery, North Penfold cockle fishery and Flookburgh/Leven

cockle fishery. The Heysham seed mussel fishery opened on 23rd July with a maximum attendance per day of about 20 Byelaw 3 permit holders. Issues with support workers at the fishery resulted in one person being cautioned for non-possession of a Byelaw 3 permit. A £500 FAP was issued and paid, thus discharging the offender of liability for the offence.

North Penfold cockle fishery was open between 31st July and 3rd August. No offences were detected. There was some escalation of tension between the two main buyers. The issue has been discussed with gangmasters and police.

Flookburgh/Leven cockle fishery opened on 8th October. Permit conditions included use of craam and restriction on the size of jumbo. 20 to 30 fishermen prosecuted the fishery and there was good compliance with the authorisation initially. Breaches of the authorisation occurred towards the end of October. PACE interviews and sanctions are being prepared.

HoE reported there was a reduction in sea-going enforcement during the quarter. Few RIB patrols were carried out as IFCOs' time was mainly focused on enforcement of intertidal fisheries.

Mr Graham referred to the Area report for Haverigg Point to Burgh Marsh Point on poor landings of shrimps and asked if the reason for this is known. Mr Manning said the last two years have been poor. Shrimp have been breeding but disappearing when they grow. Mr Brown said the likely reason is changing habitat. Roughly two-thirds of the shrimp habitat in the Ribble has disappeared due to siltation. He thought shrimp stocks are not under threat but are spread out over a large area.

There was a lengthy discussion on the Flookburgh/Leven cockle fishery and industry visitors were given the opportunity to raise questions. Mr Manning said the conditions need to be right for a craam fishery and the cockle need to be large enough for that method to be used. Industry representative Mr Davies asked whether the fishery had been closed because of the use of rakes or the removal of undersized cockle. IFCOs were rarely seen on the beach checking for undersize. HoE said IFCOs had conducted enforcement to prevent breaches of the authorisation. He had had no indication from IFCOs of undersize being removed. CEO said the fishery was closed due to concerns on the amount of stock removed resulting in the fishery no longer being HRA compliant. Science officers have re-surveyed all the potential cockle beds in Morecambe Bay. The information will be collated and a decision made as soon as possible on whether to reopen the bed.

With regard to queries raised on the issue of authorisations the Senior Scientist said this matter has highlighted an issue of a generic authorisation for permit holders that can create a problem. TSB has agreed that individual authorisations will be issued for any future fisheries.

Dr Andrews suggested that it would be helpful for IFCA to find a way, in partnership with industry, to better manage the fishery to serve everyone's interests.

It was RESOLVED to receive the report.

250 The Chairman proposed a change in the Agenda to take Item 10 next and this was agreed.

251 SCIENCE REPORT (Agenda Item 10)

Cockle Fisheries. The Senior Scientist reported that surveys have been carried out on cockle stocks within Morecambe Bay and officers are working on the biomass figures. A further HRA will be required and it is hoped to circulate the results and options to TSB members so that a decision can be made on the next course of action. A breakage rate experiment has been carried out at Piling and officers hope at some point to repeat that

experiment at Flookburgh. Officers will have discussions at the next BMWG with any industry representatives interested in assisting officers with those experiments.

Mr Manning raised a concern that public meetings with industry have ceased since the formation of BMWG. These meetings gave fishermen an opportunity to air their grievances and concerns. Senior Scientist said BMWG members were consulted on the craam only fishery and no objections were received. She pointed out BMWG representatives are nominated by industry and perhaps some people feel their views are not being put forward by their representatives at meetings.

Mr Brown asked if the process of approving the opening of a cockle bed can be done more quickly than waiting for the cycle of meetings to take place. Mr Graham said if the science justified the opening TSB members could be consulted electronically.

Mr Manning raised a query on classification of cockles at Pilling where the bed has a 'C' classification at present. The Senior Scientist said she has been in discussion with Cefas about this. Two years' of data is not available to present, and this will not be available until May next year. Cefas have carried out the seasonal analysis and presented it to FSA who may not agree to a change without the full two years' data.

Marine Protected Areas in the NWIFCA District: Marine Conservation Zones. The West of Walney byelaw has been sent to Defra for signing off. If confirmed this will result in a prohibition on all bottom towed gear across the whole of the MCZ.

Officers have been made aware of an EMFF funded project led by JNCC which includes partners such as NE, MMO, NFFO and Bangor University to develop a process for establishing, evaluating and adapting fisheries management measures within MPA for sedimentary habitats. West of Walney is being used as a case study. Members will be updated on developments.

Defra consultation on changes to Marine Licensing Exemptions. Members are asked to approve the draft response to this consultation provided at Annex B, the deadline for which is 14th December. Mr Brown raised a query on paragraph 8 of the response regarding in-water hull cleaning of lightly fouled recreational vessels. The Senior Scientist said the exemption for this seems vague. Definition of lightly fouled is not clear and she will look again at this paragraph to see if any amendment to the response is required.

In response to a question on whether the exemptions have implications for dealing with crab tiling Mr Gray said marine licences are not currently issued for that activity.

NWIFCA Research Projects. Nephrops creel potting. Mr Clarke asked whether consideration will be given to exclude nephrop pots from the requirement to have an escape gap fitted. The Senior Scientists confirmed the draft byelaw will include specific descriptions of gear for each species.

Whelk fisheries in the North West. Mr Clarke asked for clarification on the location of the sample of whelk to be provided by North West fishermen. The Senior Scientist said this will be from within the southern part of the District.

Whelks. The Senior Scientist provided an update on work carried out to improve understanding of this fishery. Specific whelk fisheries questionnaires have been completed by seven whelk fishers. Detailed discussions have been held with Isle of Man and Jersey State whelk fisheries managers. Officers are also attempting to enter into discussions with Welsh and Scottish whelk fisheries managers. A report will be submitted to the February TSB meeting. The TSB also requested officers to provide a written procedure for the Authority to follow in reviewing its flexible permitting conditions.

Recreational Anglers Engagement. Mr Leigh's help in assisting and supporting science officer Mr James in furthering engagement with the recreational angling community is appreciated.

Moorside Nuclear Power Station – National Grid North West Coast Connections. This project has come to a halt due to lack of investors.

Crown Estate Offshore Wind Leasing. Officers provided a response to a consultation on potential new sites and information provided on the impacts of socio-economics of fishing in the NWIFCA District should more wind farms be built in the North East Irish Sea. A Press Release received from Crown Estates on 16th November indicates that both the Irish Sea and North Wales sea are included in the five regions to be taken forward for new leasing in Round 4.

Halite Gas Storage and Brine Discharge – Preesall. It is understood that Halite has been sold to Cheshire Energy Ltd. Mr Brown reported that the Halite former manager has been appointed by NPL. He will attend the public meeting called on 7th December at Knott End and report the outcome to the Senior Scientist.

Mussel Fisheries. The Senior Scientist said the sightings of Chinese Mitten Crab in Walney Channel in May has caused problems for movement of mussels from Morecambe Bay. DAERA are refusing any import of mussels regardless of requests for them to take a risk-based approach. Southern Ireland is also advising that there should be no imports from Morecambe Bay at present but have agreed to review the situation in January. No further sightings of CMC have been made. Surveys of Foulney and Heysham Flat will be conducted in spring and will be scheduled for quarterly surveillance. In response to a question from Mr Clarke as to whether there is any evidence to prove the existence of CMC, the Senior Scientist said photograph evidence has confirmed and corroborated this.

Dr Andrews said industry appreciates the efforts made by the Senior Scientist on their behalf in this matter. He has spoken to the DAERA but received the same response. He suggested SAGB may be the appropriate organisation to take up this issue rather than IFCA or AIFCA. Dr Andrews agreed to write to SAGB to request their support in this.

RESOLVED

Officers respond to Defra's consultation on changes to marine licensing exemptions taking into account members' comments today.

252 The Chairman adjourned the meeting for lunch.

253 MEETING RECONVENED AT 1315 HOURS

254 The meeting reverted to the Agenda as printed.

255 CEO REPORT (Agenda Item 8)

AIFCA. Draft notes of the September meeting were provided at Annex A to the report. The Chairman reported on the last meeting held on 4th December. Items discussed included the report on IFCA conduct and operation, evaluation of IFCA's commissioned by Defra, a proposal on Welsh permitting amendments and SR19 spending review. The meeting also discussed Tranche 3 designations. 41 new MCZ and additional features to 12 existing sites are proposed.

One of the main focal points of the meeting was the EU exit situation which is of some considerable concern. The Marine EU SI has received ministerial approval and is now with the sifting committee. It is expected the EMFF will continue to be open for new projects

until 2020. If no deal is reached, any EMMF projects approved before the closure date of the current programme will be fully funded under a Treasury guarantee.

A review of AIFCA is to be carried out by consultancy firm 3KQ. Details of the proposal are provided at Annex B.

Other items discussed were the withdrawal of Devon & Severn from AIFCA. The Chairman and Vice-Chairman of AIFCA and NWIFCA Chairman had a useful meeting with representatives of Devon & Severn, who had indicated its willingness to contribute to the cost of the review.

There was discussion also around the joint MOU on the working relationship between EA and IFCA. CEO said draft MoU were drafted and agreed in 2011 with EA, NE and MMO. IFCA has good relationships with all agencies it works with and encourages and promotes joint working wherever possible.

iVMS. CEO reported this project is progressing. Templates have been received from MMO to apply for funding for installation of units on the patrol vessels.

Cockle and Mussel Permit Byelaw. This byelaw is progressing and is currently with MMO for comment. An update will be provided to the TSB in February.

Mr Oddy asked with the AIFCA review taking place, whether Defra could be looking at the future structure of marine management, whether IFCA in their present form will survive and what aspirations AIFCA has on putting forward proposals with regard to Brexit. The Chairman reported Defra has promised a reconsideration of structural governance of the marine environment. CEO reported Defra new burdens funding is only confirmed to 2020. It is hoped evidence to the SR19 spending review will result in IFCA continuing in its present form.

Councillor Markley asked if there was any news on the possible move towards more integration and perhaps merger with MMO. Mr Gray said trials with Eastern IFCA involving closer working with MMO on a regional basis is ongoing. He will look into this and report back.

It was RESOLVED to receive the report.

256 REPORT ON TSB COMMITTEE MEETING HELD ON 6TH NOVEMBER 2018 (Agenda Item 9)

Chairman of TSB, Mr Graham, presented the report.

MCZ. MMO is introducing a byelaw to prohibit bottom towed gear in the West of Walney MCZ. The MMO decision has been challenged. Representation has been made to the Minister and a response is awaited.

Assessment of fishing activities in MPA. There have been reports of large number of people from the North East collecting peeler crab from MPAs. TSB has been looking into the frequency of this activity to make sure relevant protection measures are in place.

Potting Permit Byelaw. Drop in days were held in Whitehaven and Preston to give industry an opportunity to discuss their concerns. TSB had considered the cost of the potting permits and requirement for full cost recovery.

Cockle and Mussel Permit. Problems were encountered at Flookburgh with fishermen using rakes instead of craam and jumbo specified in the permit conditions. The fishery was considered to be in breach of the Habitats Regulations Assessment and the decision was taken to close the fishery.

Cockle and Mussel Permit Byelaw. This byelaw is still being considered. The Authority is looking into possible sanctions for offenders in constant breach of the byelaw.

District whelk fishery. There is growing interest in this fishery. Officers are working towards gathering information on stock, access in terms of size of vessel, MLS, and access track record. A full report will be submitted to the TSB in February.

iVMS. All under 15m vessels within the District will be required to have iVMS fitted in due course. It is hoped European funding will be made available for the purchase of those units.

Cockles. Mr Benson pointed out a document circulated to the TSB in November on raking of cockles was not relevant to those discussions. Members were informed the document had been circulated for information and the Authority will gather its own evidence which will help to inform management decisions in the future.

It was RESOLVED to receive the report.

259 ANNUAL PLAN 2018-19 MONITORING (Agenda Item 11)

The CEO presented the report outlining the Defra success criteria, tasks agreed by IFCA to enable the Authority to address those success criteria. Column Q3 updates the tasks to the current position.

The Chairman pointed out that SC3A was blank. The CEO said this will be corrected in the next report.

It was RESOLVED to receive the report.

260 ANNUAL REPORT 2017-18 (Agenda Item 12)

This report takes the same format as previous years.

Mr Manning pointed out no mention is made in the report of shrimps anywhere within the District. CEO agreed to include a note on shrimps. Mr Manning asked for clarification on prosecutions and sanctions imposed referred to in Table 6C. HoE outlined the type of offences and level of sanctions imposed for those offences.

Mr Harpley said that on page 7 of the report, paragraph 43 referring to the County WLT this should just say Wildlife Trusts as WLT is not a recognised acronym.

Dr Andrews pointed out he could not find evidence that certain items which should have been published in some form in accordance with the success criteria had not been published on either the website or referred to in an annual report.

It was RESOLVED to receive the report.

261 ANNUAL PLAN 2019-20 FOR CONSULTATION (Agenda Item 13)

CEO reported the 2019-20 Plan is again in broadly the same format as previous years.

Mr Leigh said the Plan is a very useful tool to monitor IFCA effectiveness. He suggested the order of business be changed in future so that monitoring of the Plan is considered earlier on the Agenda.

It was RESOLVED to receive the report.

262 ANY OTHER BUSINESS (Agenda Item 14)

1. Mr White (Sefton Council Officer) reported on a police investigation into the disappearance of a young man at Marshside during the period of the cockle fishing activity there. A number of permit holders who may have been present on the day the young man went missing are currently being interviewed. That person is still missing and the incident is the subject of an ongoing investigation
2. Miss Salthouse reported that the Irish Sea Maritime Forum is holding its biannual conference on 18th July 2019 at the Pier Head Building in Cardiff. Details are on the ISMF and NWCF websites.
3. Master of the Patrol Vessel, Mr Thinnesen, was asked for a report on the performance of the new patrol vessel. Mr Thinnesen said minor electrical problems have been experienced but otherwise the vessel and launch and recovery systems are working well.
4. Dr Andrews raised a concern that suggestions he had made for Agenda items had not been included and asked for clarification on the procedure for this. One of the items on flexible permits had subsequently been addressed by the CEO but Dr Andrews had requested the second items on harmonisation of legacy byelaws be considered as an Agenda Item.

Mr Leigh said there is no express procedure for this but there are provisions within Standing Orders for an item to be included with the Chairman's agreement. The Constitution expressly provides for an annual revision of Standing Orders and includes an additional provision whereby a motion can be put to amend Standing Orders and then stand adjourned until the next meeting.

5. Chairman's Report re Procedure and Governance Review. The Chairman reported he is meeting with North West Employers' Organisation on 7th December to ascertain whether they are a suitable candidate and are willing to undertake the review. He is seeking support for a resolution that the Authority should fund the review rather than asking for support from funding partners.

Mr Oddy agreed with the proposal in principal but suggested three quotes be obtained. Following approval of the Terms of Reference a decision can then be made based on best value for money.

The Senior Scientist raised concerns that the review could cause additional work for officers. The Chairman assured officers that those considerations will be taken into account and that any disturbance will be kept to an absolute minimum.

Proposed Mr Oddy, seconded Mr Harpley.

RESOLVED

Members approve in principle a review of IFCA funded by the Authority

6. Mr Terry Davies asked how iVMS will work on a small fishing boat with no cabin. Mr Gray said systems are being trialled that do not require to be linked to the vessel's power which are likely to be suitable for that type of vessel.
7. MMO are holding a consultation meeting at the Fish Hall, Whitehaven on 10th December regarding landing obligations which will come into effect on 1st January. Mr Davies asked if there would be a telephone consultation. Mr Gray said MMO is looking to carry out a telephone consultation once the feedback from the Whitehaven consultation is known.

The Chairman wished all members a happy Christmas and closed the meeting at 1450 hours.

