

1 AT THE ANNUAL MEETING OF THE NORTH WESTERN INSHORE AND CONSERVATION AUTHORITY held at Morecambe Town Hall on 20th June 2019

PRESENT – MEMBERS

Dr J. Andrews	MMO appointee (Marine Environment)
Dr E. Baxter	MMO appointee (Marine Environment)
Mr R. Benson	MMO appointee (Fishing Industry – North West)
Mr S. Brown	MMO appointee (Recreation)
Mr D. Clarke	MMO appointee
Mr R. Graham	MMO appointee (Commercial)
Mr D. Howarth	MMO (Officer)
Mr T. Jones	MMO appointee (Commercial/Aquaculture)
Mr. B. Leigh	MMO appointee (Anglers and Recreation)
Mr S. J. Manning	MMO appointee (Commercial)
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

IN ATTENDANCE

Mr T. Smith	MMO (Officer)
Mr D. Dawson	Wirral Council

NWIFCA OFFICERS ATTENDING

CEO, Finance Officer, Head of Enforcement, Clerk, Digital Communications Officer, Senior Finance & Operational Support Officer, Master of Patrol Vessel

APOLOGIES FOR ABSENCE

Councillor L. Beavers	Lancashire County Council
Councillor E. Grey	Wirral Council
Mr D. Harpley	MMO appointee (Marine Environment)
Mr M. Johnston	Natural England
Councillor K. Little	Cumbria County Council
Councillor A. J. Markley	Cumbria County Council
Dr E. Nisbet	Natural England
Councillor B. Woolfall	Halton Council
Mr P. Wright	Halton Council (Officer)

2 APPOINTMENT OF CHAIRMAN (Agenda Item 1)

The Chief Executive opened the meeting by calling for nominations for Chairman.

RESOLVED

Councillor P. Williams be reappointed Chairman of the North Western IFCA for the forthcoming year.

3 CHAIRMAN'S ANNOUNCEMENTS (Agenda Item 2)

1. The Chairman announced apologies and welcomed Mr T. Smith (Senior Marine Officer, MMO), Mr D. Dawson (Wirral Officer) and visitor Mr D. Dobson, former Chief Executive of Cumbria County Council and former member of NWIFCA.
2. Councillors J. Elmes (Blackpool), S. McGinnity (Sefton Council) and A. Leech (Wirral) Council are no longer their council's representatives on the North Western IFCA. Replacements for Councillors Elmes and McGinnity have not yet been appointed. Councillor E. Grey has been appointed to replace Councillor Leech.

3. Members should have received a copy of Annex E to Agenda Item 8 (Potting Permit Byelaw 2019). Hard copies were available from the Clerk.

Supplementary report to Agenda Item 10 (Appointment of TSB Committee) was tabled.

4. The Chairman announced with regret the death of Mr Tom Glover, OBE, a former member and representative of Sefton Council. Mr Glover served for 26 years on the North Western and North Wales Sea Fisheries Committee from 1986 to 2012. He was Chairman from 2005 continuing as Chairman of North Western IFCA to 2012. Mr Glover was also Chairman of Finance and General Purposes Sub-Committee from 1999 to 2005.

4 APPOINTMENT OF VICE-CHAIRMAN (Agenda Item 3)

RESOLVED

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

5 DECLARATIONS OF INTEREST (Agenda Item 4)

Agenda Item 7 (To make the new byelaw "Cockle and Mussel Permit Byelaw 2019"). Mr R. Benson, Mr S. Manning.

Agenda Item 8 (To make the new byelaw "Potting Permit Byelaw 2019"). Mr R. Benson, Mr S. Brown.

Agenda Item 10 (Appointment of TSB Committee). Dr J. Andrews

Agenda Item 13 (Report on TSB Committee meeting held on 14th May 2019). Mr T. Jones, Mr S. Manning.

Agenda Item 14 (Science Report). Mr T. Jones, Mr S. Manning

Agenda Item 15 (Annual Plan 2018-19 4th Quarter Monitoring). Mr T. Jones

Agenda Item 16 (Annual Plan 2019-20). Mr T. Jones

6 TO RECEIVE MINUTES OF THE NWIFCA MEETING HELD ON 14TH MARCH 2019 (Agenda Item 5)

Proposed: Mr B. Leigh Seconded: Mr K. Thompson.

RESOLVED

The minutes of the NWIFCA meeting held on 15th March 2018 be approved and signed as a correct record.

7 MATTERS ARISING (Agenda Item 6)

Minute No. 266 (Matters Arising). Mr Oddy asked the current situation with MMO appointees. CE said MMO has not yet started a new recruitment process. Problems with reappointment of members are being investigated. Mr Oddy proposed a further formal request to carry out recruitment is made to MMO. There are currently two vacancies on the Authority which will rise to three on the departure of Mr Oddy in October.

Minute No. 266 (Matters Arising). (Mussel Fisheries). Dr Andrews had approached SAGB for support regarding mussel exports to NI. Their response was that as neither NWIFCA nor any of the industry affected are members of SAGB it would be inequitable to spend its limited resources on specific non-member issues. Mr Benson is considering joining SAGB on an individual member basis and could then raise the issue with them. Other NWIFCA members are also SAGB members including Dr Andrews. The Association of IFCA is also an SAGB member and could be a route for support. SS agreed to make an approach to AIFCA.

Minute No. 269 (Financial Report). Dr Baxter said it would be useful to have a breakdown of how much of the budget is assigned to science work. Finance Officer and Chairman said that while specific capital costs of science work could be identified, the general running costs cannot be assessed because science work cuts across all budget heads. The Chairman proposed that further discussion on this be referred to the next Finance Sub-Committee meeting. The proposal was seconded by Dr Baxter. The proposal was carried.

Minute No. 270 (Patrol and Enforcement). In March Mr Clarke had queried reports of vessels whelk potting from Ravenglass expecting a response from HoE. The Chairman asked Mr Clarke to raise this again under the HoE report.

Minute No. 279 (Science Report). Bass Tagging Programme. Mr Leigh asked if MMO can yet confirm that 2019 bass conservation measures do not apply to tagged fish. Mr Howarth (MMO) said he would look into this.

Minute No 281 (AOB). Dr Andrews said TSB had discussed legacy byelaws but further discussion is needed. It was agreed to raise this under AOB.

8 TO MAKE THE NEW BYELAW “COCKLE AND MUSSEL PERMIT BYELAW 2019” (Agenda Item 7)

The May TSB meeting had approved submission of this byelaw to the Annual Meeting of the Authority to be made.

Mr Manning requested consideration be given to provision of permits for young people wishing to enter the industry. This had been resolved previously as potentially unfair to those already on the waiting list. The proposal had been dropped.

Mr Brown proposed the number of new permits issued each year be increased to 20. The proposal was seconded by Mr Thompson. Vote:6 in favour, 1 abstention (Mr Manning)

Mr Oddy proposed a second motion that there should be a ceiling of 150 permits in total. The proposal was seconded by Mr Manning. Vote:10 in favour, 0 against

The Chairman asked for a formal proposal on the proposed changes. Proposed: Mr Oddy
Seconded: Dr Baxter. Vote:12 in favour, 1 against (Mr Brown)

Mr Jones asked how objections to the byelaw will be resolved and addressed. CEO said the Authority will try to resolve concerns with objectors. If the Authority decides to proceed with submission of the byelaw to MMO and Defra for confirmation it will then be for MMO to decide whether those objections are substantive.

RESOLVED

1. Proposed minor changes be incorporated before advertising the byelaw for consultation.
2. Subject to changes in 1 above, the Authority ‘make’ the new byelaw “Cockle and Mussel Permit Byelaw 2019” as circulated to Members with the Notice and Agenda of this meeting in accordance with sections 155 and 156 of The Marine and Coastal Access Act 2009.

9 The Chairman proposed a change in Agenda to discuss Item 8 (Potting Permit Byelaw) later in the meeting and this was agreed.

10 FINANCIAL REPORT (Agenda Item 9)

The Finance Officer reported that the independent auditors will be carrying out the annual audit on 21st June. The report and final figures will be presented to the September meeting of the Authority.

Members asked about the rate of interest currently been received on short term investments. Mr Oddy suggested it would be useful to know the rate of interest received over the last 5 years.

RESOLVED

1. The draft Final Budget Review for the year ended 31st March 2019 be approved.
2. The date for the Independent Audit is noted.
3. The Financial Report be approved.

Proposed: Mr Leigh, Seconded Miss C. Salthouse. Voting, 11 in favour 0 against

11 APPOINTMENT OF TSB COMMITTEE (Agenda Item 10)

The outcome of the postal ballot was tabled. Following Mr Graham's reappointment as Vice-Chairman of the Authority he would be an ex officio member of the TSB leaving two vacancies to be taken by Mr Rob Benson and Mr Steve Brown.

Proposed: Dr Andrews, Seconded Mr Jones. Vote:9 in favour, 1 abstention

Mr Clarke raised concerns on the balance and composition of the TSB Committee. CEO said the number of MMO appointees made a more balanced membership difficult and Standing Orders has been amended to open membership of the TSB to both MMO appointees and local authority representatives.

Mr Graham suggested MMO appointees from different backgrounds could bring greater knowledge and experience to the committee providing a more balanced membership.

Mr Clarke felt some reports to the committee are inaccurate or misworded in favour of the science. SS asked for clarification. Mr Clarke referred to the potting byelaw and said the Authority should be engaging with fishermen and listening to their advice more.

The Chairman asked for a formal proposal to approve the Terms of Reference

Proposed Mr B. Leigh, Seconded: Dr B. Pearce. Vote: 10 in favour, 1 abstention (Mr Clarke).

RESOLVED

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

Dr J. Andrews,	Dr E. Baxter	Mr R. Benson	Mr S. Brown.
Mr T. Jones	Mr B. Leigh	Mr K. Thompson	

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

2. The Terms of Reference be approved.

12 The Chairman adjourned the meeting for lunch.

13 MEETING RECONVENED AT 1320 HOURS

14 TO MAKE THE NEW BYELAW "POTTING PERMIT BYELAW 2019"(Agenda Item 8)

The proposed potting permit byelaw had been approved by TSB Sub-Committee in May. Advice on wording provided by MMO and the Authority's lawyer had been incorporated. Proposals for management of whelk have been subject to informal consultation with whelk potters. Mr Brown had not been at TSB and subsequently submitted objections (Annex D) on which Officers made comments at (Annex E).

Mr Brown proposed an amendment to the report recommendation to make the Byelaw, that the potting byelaw should not be made until results of the track record consultation are known and any changes to the draft byelaw that may be required as a result of the consultation are incorporated. The motion was seconded by Dr Andrews.

Vote, 9 in favour; 2 against. The motion was carried.

Mr Clarke asked for clarity on escape gaps in nephrops pots referred to in paragraph 3(b) of the flexible permit conditions. SS said she would look at this again. Mr Clarke suggested the Authority looks at specifying the use of a robust, longer lasting, purpose-built whelk pot with the laydown pots being phased out. SS said investigations into this should not delay making the byelaw. Such changes if needed can be done relatively easily in the future under the flexible permit conditions.

SS asked for clarity on what is required from officers in order to progress the byelaw. The Chairman suggested this matter be raised under AOB with the discussions on legacy byelaws.

RESOLVED

1. That the Authority does not 'make' the Potting Permit Byelaw until results of the track record consultation are known and any changes to the draft byelaw that may be required as a result of the consultation have been incorporated into the draft byelaw.
2. The byelaw be further discussed in the light of members' comments at the next TSB.

NB: further discussion took place under AOB. See below.

15 CHIEF OFFICER'S REPORT (Agenda Item 12)

Personnel, Health and Safety, complaints. Mr Oddy suggested reports of near misses and minor accidents should be reported in the CEO report not the HoE report.

Member appointments to NWIFCA. Some members have still not received confirmation of their renewal/reappointment. MMO have been informed. Members asked that MMO should inform the Authority when reappointments are due and are made. Mr Howarth (MMO) agreed to report this back to MMO. The Chairman asked for correspondence to members relating to their reappointments to be copied to the NWIFCA office. MMO should be reminded of the current vacancies on NWIFCA with a request to commence member recruitment as soon as possible.

Association of IFCA. Minutes of the Members' Forum and Directors' meetings held on 5th March 2019 were provided. There has been further progress with the 3KQ review of AIFCA. The task group formed to implement the recommendations have prioritised these. A progress report will be presented to AIFCA at the September meeting. Minutes of the 4th June meeting are now available for any member who wishes to see these.

Defra. A report on the evaluation of the IFCA by RPA is due within the next two months.

IFCAs will be represented at a two day conference with industry and regulators to consider future inshore fisheries management.

iVMS. These units will shortly be installed on the Authority's patrol vessels. The iVMS SI has not yet been published.

Proposed: Dr J. Andrews, Seconded: Mr T. Jones, Vote, 12 in favour, 0 against

It was RESOLVED to receive the report.

16 REPORT ON TSB SUB-COMMITTEE MEETING HELD 14TH MAY 2019 (Agenda Item 13)

Chairman of TSB, Mr Graham, presented the report.

Silloth Subtidal Mussels. Work carried out since the March meeting included surveys using a grab and side scan sonar. Further survey equipment is required and it was agreed priority should be given to acquiring and installing this equipment as soon as possible. Survey data is required to enable the HRA to be prepared so that a fishery can be authorised.

Science Report. The MMO byelaw prohibiting all bottom towed gear within the West of Walney MCZ comes into effect on 4th July 2019. West of Copeland is likely to be designated an MCZ under Tranche 3.

Halite Gas Storage and Brine Discharge. There have been problems in the past with communication between NWIFCA and other bodies. A better engagement process with the developers in that area is needed.

Byelaw Review. Members agreed priorities for this review. This should be a standing item for TSB meetings.

A.O.B. Prohibition of Mussel Seed Exports from Morecambe Bay to Northern Ireland. DAERA will not to accept seed mussel exports from Morecambe Bay following an unconfirmed report of a sighting of Chinese Mitten Crab in the Walney Channel in 2018. Subsequent surveys carried out at Walney, Foulney and Heysham Flat have not shown any evidence of CMC. Members agreed to continue providing DAERA with quarterly survey results. Assistance could be requested from the NI Minister if no evidence of CMC is found in surveys by next year. Dr Andrews said the work carried out by the SS and colleagues on CMC is much appreciated by the Menai Strait Fishery Order Management Association.

Proposed: Mr K. Thompson, Seconded: Dr J. Andrews Vote: 11 in favour, 0 against.

It was RESOLVED to receive the report.

17 SCIENCE REPORT (Agenda Item 14)

SS reported that a new science officer has been recruited and will commence employment with NWIFCA in August. The Deputy Senior Scientific Officer has just become a father. The Chairman asked that members' congratulations be passed to Mr Haines.

- a) West of Walney MCZ. The MMO byelaw to prohibit bottom towed gear within the whole MCZ will come into force on 1st July.
- b) Announcements of the Tranche 3 MCZ sites were made on 31st May. Solway Firth, Wyre and Lune Estuary and Ribble Estuary have been designated for the protection of smelt. There is no proposed fishery management in any of those sites. Cumbria Coast MCZ, designated in 2013, had an extension to include razorbill. NE is happy the area extension will not affect the NWIFCA voluntary code of practice at St Bees Head. There is currently a 100% compliance with the code of practice which is being monitored by IFCOs.
- c) Whole Site Management. There have been no clear decisions taken on this. Defra has launched a consultation on highly protected marine areas: a review. The

- consultation runs until the end of 2019 and the link to the website will be circulated for members' to comment.
- d) Bass populations and tagging study – Cefas project. A meeting to discuss plans for northwest bass was held in London. Several of the data storage tags have been returned to Cefas. Data put into the models shows interesting patterns of migration. More bass needs to be tagged in order to build up a better picture of the bass situation in the NWIFCA district.
 - e) Razor clam collaborative research. Officers are carrying out the HRA required for the dispensation to use the electro dredge gear. EA have not expressed any concerns on the activity. An application will be made for an MMO dispensation.
 - f) Whelk Fisheries in the North West. Monthly samples from fishermen are being processed and analysed. Lancaster University has been approached for assistance. Three students will be interviewed for their suitability to assist with this work. Mr Clarke asked at which port the fisherman is based. SS said possibly either Barrow or Whitehaven,
 - g) Halite Gas Storage and Brine Discharge. A further meeting of the Marine Management Group has not yet been arranged. Mr Brown said he is a member of a local group trying to raise awareness about this proposal. He recommended that monitoring is continued and the public is kept aware of the plan which is likely to have a negative impact on the marine environment in the area of the north Fylde coast.
 - h) Cockle and Mussel Fisheries. Heysham Flat seed mussels. SS said she had visited the area yesterday with representatives from NE and from the Eden Project. There is a vast amount of seed and a fishery is likely in July/August depending on the weather and how quickly it grows. A survey of the Leasowe cockle bed showed not as much stock as expected with the vast majority not being size. SS has invited industry to visit the bed with officers to see if a limited fishery there is feasible. No responses to that invitation have been received.
 - i) MMO Marine Licence consultations. Work being carried out in the Mersey at present includes moving the Isle of Man ferry terminal to provide space for the Liverpool cruise liner terminal, dredging and disposal licensing. Charter boats working in the area are concerned about all the work being carried on at present. Officers have raised a number of issues with MMO Marine Licensing and feel the potential impacts should be investigated and researched properly before MMO grant licences.

With respect to paragraph 2e) Mr Manning said the recent research work carried out by NOC Liverpool and NERC on sediments, depth of water and current could be related to the proposed bridges across Morecambe Bay and the Duddon. No IFCA officers were present at a meeting held in Kendal last week about the proposals. SS said she had not been made aware of that meeting.

Proposed: Mr Jones, Seconded: Dr Jim Andrews Vote: 10 for, 0 against.

It was RESOLVED to receive the report.

18 ANNUAL PLAN 2018-19 4TH QUARTER MONITORING (Agenda Item 15)

Dr Andrews suggested the Tasks shown under Defra Success Criteria SC3G (cockle and mussel plans and priority byelaws to be further developed in 2017-18) are not required in the plan as no work was required on these recently.

Also that the date shown under SC5A (Research Plan) should be 2019-20 rather than 2018-19 shown in the report. CEO will check and amend.

Proposed: Dr E. Baxter, Seconded: Mr S. Manning. Vote: 8 in favour, 1 abstention Dr Andrews.

It was RESOLVED to receive the report.

19 ANNUAL PLAN 2019-20 (Agenda Item 16)

CE said no changes have been made to the 9th Annual Plan since the December meeting. Monitoring of the first quarter will be done for the September meeting.

It was agreed to remove the reference to mussel management plans in SC3G as management of these fisheries are now discussed through BMWG.

Proposed, Miss C. Salthouse, Seconded, Dr B. Pearce Vote, 10 in favour, 0 against.

It was RESOLVED to receive the report.

20 REVIEW OF STANDING ORDERS (Agenda Item 17)

Members have previously agreed Standing Orders should be reviewed annually. No changes to these have been proposed.

It was RESOLVED to receive the report.

21 POLICY, PROCEDURES AND GOVERNANCE REVIEW (Agenda Item 18)

The Chairman reported that draft terms of review have been prepared following discussions with Mr Leigh and Mr Jones. A response from North West Employers Association is awaited regarding arranging an early meeting with them. It is hoped a conference call with members can be arranged early week beginning 1st July in order to progress the review.

It was RESOLVED to receive the report.

22 ANY OTHER BUSINESS (Agenda Item 19)

1. Harmonisation of legacy byelaws. Dr Andrews proposed this be addressed at next TSB. The proposal was seconded by Dr Baxter. The proposal was carried.

SS asked how the Authority wished to proceed with the proposed potting byelaw. CE suggested members submit comments and recommendations on the proposed byelaw to the office by Monday, 15th July. This was agreed. If possible, a new version incorporating comments would then be circulated for discussion by TSB.

2. Mr Jones reported a new user friendly mobile app for u10m catch reporting for quota and non-quota species. The app is stored on the phone on a webpage. He will request permission for information on this app to be shared more widely.
3. Mr Thompson asked the up to date position on the NWIFCA biosecurity plan. SS said the new Scientific Officer will be tasked with updating the plan, following which a new plan will be placed on the website.

23 PATROL AND ENFORCEMENT REPORT (Agenda Item 10)0

Mr Clarke raised the issue of whelk potting and report of vessels from Ravenglass. He agreed to email HoE with details.

Sanctions, Infringements and Court Activity. Mr Manning asked if any action will be taken in relation to the report of breaches of taking of bass. HoE said this matter is still under investigation but enforcement action will be taken.

HoE reported on a court case held earlier that day for breaches of Byelaw 13A. One trial was conducted in the absence of the defendant who was found guilty and received a total

in fines and costs of £3,240. Two other defendants pled guilty and received a total in fines of £1,300 each. NWIFCA was awarded full costs.

It was RESOLVED to receive the report.

Meeting ended 1555 hours