

24 AT A MEETING OF THE NORTH WESTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY held at Morecambe Town Hall on 13th September 2019

PRESENT – MEMBERS

Councillor P. Williams	(Chairman)	Cheshire West and Chester Council
Mr R. Graham	(Vice-Chairman)	MMO appointee (Commercial)
Dr E. Baxter		MMO appointee (Marine Environment)
Mr R. Benson		MMO appointee (Fishing Industry – N. West)
Councillor N. Brookes		Blackpool Council
Mr S. Brown		MMO appointee (Recreation)
Mr D. Clarke		MMO appointee
Mr D. Harpley		MMO appointee (Marine Environment)
Mr M. Johnston		Natural England
Mr T. Jones		MMO appointee (Commercial/Aquaculture)
Councillor A. J. Markley		Cumbria County Council
Dr B. Pearce		MMO appointee (Marine Environment)
Miss C. Salthouse		MMO appointee (Marine Environment)
Mr T. Smith		MMO (Officer)
Mr K. Thompson		MMO appointee (Commercial/Aquaculture)

IN ATTENDANCE

Mr M. Taylor	MMO (Officer)
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NWIFCA OFFICERS ATTENDING

CEO, Head of Enforcement (HoE), Senior Scientist (SS), Deputy Senior Scientist, Clerk

APOLOGIES FOR ABSENCE

Dr J. Andrews	MMO appointee (Marine Environment)
Mr C. Booth	MMO appointee (Marine Environment)
Mr B. Leigh	MMO appointee (Anglers and Recreation)
Mr S. Manning	MMO appointee (Commercial)
Mr M. Oddy	MMO appointee (Marine Environment)
Councillor B. Woolfall	Halton Council
Mr P. Wright	Halton Council (Officer)

25 CHAIRMAN'S ANNOUNCEMENTS (Agenda Item 1)

1. The Chairman welcomed new member Councillor N. Brookes (Blackpool Council), reported apologies as above and welcomed Mr M. Taylor, Principal Marine Officer, MMO
2. The Chairman announced the resignation of Mr Mark Oddy as he is moving away from the area. He extended the Authority's thanks to Mr Oddy for service since 2015 saying his contributions will be greatly missed.

26 DECLARATIONS OF INTEREST (Agenda Item 2)

Item 5 (To make the new byelaw "Potting Permit Byelaw 2019"). Mr R. Benson, Mr S. Brown, Mr R. Graham
Item 10 (Science Report). Mr T. Jones
Item 11 (Amendments to Standing Orders). Mr T. Jones
Item 12 (Procedure and Governance review). Mr T. Jones

27 TO RECEIVE MINUTES OF THE NWIFCA ANNUAL MEETING HELD ON 20TH JUNE 2019 (Agenda Item 3)

Dr Pearce said her name was not in the list of those present, the Senior Scientist has not been included in the list of Officers and Mr Dobson was in attendance.

Mr Graham asked for an amendment to Minute 11 (Appointment to TSB) that the word “fishing” is inserted between the words “different” and “background” and this was agreed.

RESOLVED

Following incorporation of agreed amendments the minutes of the NWIFCA Annual Meeting held on 20th June 2019 be approved and signed as a correct record.

28 MATTERS ARISING

Minute 7 (Matters Arising). Mr Graham asked for an update on the situation with regard to MMO recruitment. Mr Taylor (MMO) agreed to investigate and report back.

Mr Smith said the 10 year limit on appointments is being investigated by MMO. For the time being the varying lengths of appointment will continue.

Minute 10 (Financial Report). Mr Graham asked for an update on the question of interest being received on long and short term investments. CEO said interest rates vary daily on the type of investment account held by the Authority. A print-out of interest rates over the last 5 years is awaited.

Minute 17 (Science Report para (2)). The Chairman pointed out an inconsistency in the date shown for the MMO byelaw on bottom towed gear as coming into force on 1st July 2019. The date should read 4th July as in Minute 16 (Report of TSB Sub-Committee) under the Science Report. A manuscript change will be made and signed by the Chairman.

29 TO MAKE THE NEW POTTING PERMIT BYELAW 2019 (Agenda Item 5)

Dr Baxter reported that comments and a discussion paper from members were discussed at August TSB. Four options were presented. TSB agreed that to do nothing, to modify or to rescind the Cumbria SFC Byelaw 25 would leave the Authority without the ability to effectively regulate the current and potential pot fisheries. Key components of the byelaw were discussed at length and votes taken individually. Members with declared interests did not vote. Since that meeting there have been a number of minor amendments and omissions which the SS has updated in the version presented to this meeting. Dr Baxter urged members to support the recommendation for the byelaw to be made.

The Chairman asked for an informal, non-binding show of hands in favour of making the byelaw which indicated 11 in favour, 2 against.

Mr Brown did not feel the byelaw is adequate for the task it is designed to do and thought the unintended result would be that it will be seriously detrimental to the fishery as a whole.

Mr Clarke asked for clarification on para 33 regarding correct marking of gear. He felt practical experience from industry on this has been disregarded. HoE said the TSB had a lengthy discussion and had considered relevant experience.

Mr Graham said the purpose of the byelaw is to open up a sustainable fishery. This is a flexible byelaw and can be changed if it is in the interests of the Authority to do so.

Mr Jones proposed that the byelaw making process be addressed at the next TSB.

Mr Clarke felt the Authority on the whole lacked practical knowledge. There are people wishing to apply for membership but the process for recruitment can be daunting.

Mr Thompson pointed out that experienced fishermen had attended the last TSB meeting. They were invited to comment and had contributed to the discussion.

Proposal to make the byelaw agreed. 12 in favour; 2 against, 0 abstentions.

CEO outlined the process for confirmation of the byelaw.

RESOLVED

1. The Authority 'make' the new byelaw "Potting 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.
2. The Authority proceeds with advertising and consultation on the byelaw after this meeting.

30 FINANCIAL REPORT (Agenda Item 6)

The Final Budget Review, Bank Reconciliation and Balance sheet for the year ended 31st March 2019, the Independent Audit Report for the year ended 31st March 2019 and the Budget Review for 1st April to 31st July 2019 were presented for approval. The Internal Audit Report had found everything in order and all the Internal Control Objectives had been agreed.

The Chairman said the Internal Audit Report included any recommendations the Authority should consider.

The Chairman raised a query that there are no variances on the income and asked for clarification. Councillor Markley suggested this is a matter for the Finance Committee.

Mr Jones asked who had made the decision to have an annual audit and the cost of this. CEO said the Authority had resolved that as a matter of good practice it would continue with the procedure of having an independent, annual audit.

Councillor Markley said this should be considered by the Finance Committee. It was agreed to arrange the next Finance Committee meeting to precede the quarterly meeting on 5th December.

Proposed: Councillor Markley Seconded: Dr Pearce.

RESOLVED

1. The Final Budget Review, Bank Reconciliation and Balance Sheet for the year ended 31st March 2019 are approved.
2. The Independent Audit Report for year ended 31st March 2019 is approved.
3. The Budget Review for 1st April to 31st July 2019 is approved.

31 PATROL AND ENFORCEMENT (Agenda Item 7)

Tasking and coordination meetings with MMO officers. These have continued and form the basis for focused tasking for the coming period allowing a risk based approach to enforcement in the North West District. National tasking meetings take place twice weekly, with the focus on Brexit.

New EU regulation. The new EU regulation 2019/1241 came into force on 25th July 2019. This has replaced Technical Conservation Measure 850/98. The new regulation has led to difficulties with MLS where it specifically does not apply to recreational fishermen which is something that will need to be addressed nationally and through the byelaw review as NWIFCA MLS Byelaw 19 only refers to the south of the District.

North Western Protector. The patrol vessel has carried out 80 inspections on vessels this quarter. She also carried out scientific work to commission side scan and Olex equipment.

Heysham Flat Seed Mussel Fishery. This fishery was authorised from 22nd July to 31st December. No permit holders have accessed the fishery to date.

Byelaw 5 Heysham Bass Nursery Area has seen endemic incidents of people fishing in the closed area this year. Five FAPs were issued and paid, and another three will be issued following PACE interviews. One person is due to attend Preston Magistrates' Court on 19th September for landing undersize fish, breaching the prohibition of the byelaw and failure to comply with a reasonable request of a Fishery Officer. The use of bodycam footage has provided good evidence for the investigations.

Mussel Fishing. There has been some activity on the Foulney mussel beds during the spring when it provided a good income for Byelaw 3 permit holders. It continues to be an important fishery when the cockle fishery is closed. There has been little effort on the mussel fishery on the Ribble training Walls.

Mr Jones asked about the Dee to Southport area where an increase in the gathering of otter clams along the north Wirral coast was reported. He asked whether they form part of a protected feature and if there are any concerns they are being over-exploited. SS said otter clams are relatively new in that area. They will form part of a protected feature in terms of Common Scoter food as they are within or on the edge of the Liverpool Bay SPA. Mr Johnston said if they are an important species for bird prey the amount removed would need to be regulated. SS said she would like a discussion on the Byelaw Review to include the need to look at a recreational hand-gathering limit on bivalve species other than cockles and mussels. In response to a question as to whether the activity is commercial or for personal consumption, SS said IFCOs have been monitoring the situation for some time and they have also been working with other agencies. The thinking is that the activity is just for personal consumption but the intention is to analyse sightings reports from shore-based patrols to provide evidence to TSB on the nature of the fishery to see if it is increasing.

Mr Thompson asked if the harvesting of 63, 69 and 83 tonnes of mussels mentioned are likely to continue to climb. HoE said this could be indicative of a rise in effort.

SS said she understood the Fisheries Bill has not yet been passed and asked what the situation will be on the 31st October without a Fisheries Bill in place. Mr Taylor said prior to his present role he worked on MMO EU Exit preparedness. There are moves to have reciprocal fisheries agreements in place. Access to UK waters may be given up to enable the UK to continue to trade with the EU. At the moment EU vessels are not allowed inside the 6 mile limit, at the point UK leaves the EU that will be extended out to 12 miles. Mr Taylor said Defra is holding a Brexit preparation session in Fleetwood on 26th September on "Helping the Seafood Sector be ready for Brexit" which may be of interest to members and industry. Any member requiring further details should speak to Mr Taylor.

Proposed: Mr Jones; Seconded: Mr Thompson; 1 abstention (Mr Clarke)

It was RESOLVED to receive the report.

32 CEO REPORT (Agenda Item 8)

Appointments to NWIFCA. CEO drew attention to Annex B and the report by the AIFCA Chief Officer and Chairman on the criteria for extending beyond 10 year appointments. This is likely to be discussed at the next AIFCA meeting on 24th September.

Defra are undertaking an evaluation of IFCA by Risk Policy Analysts. The results of that review are awaited.

A 2-day conference will be held on 8th and 9th October in London on the future of UK inshore fisheries management.

AIFCA. With respect to iVMS Mr Jones said he understands units will be offered free of charge but asked for clarification on provision of ongoing airtime. CEO said EMFF funding is for the cost of the unit, fitting and first year's airtime. Ongoing airtime cost is not eligible for EMFF funding.

Councillor Markley said when the idea of iVMS was first raised it was discussed as 2 costs, one a capital cost, the other a revenue cost. Mr Taylor agreed to check this point.

CEO reported that the Spending Review 2019 (SR19) was delayed by Brexit. An Interim Spending Review for one year has been confirmed and IFCA funding March 2020 for one year is expected.

It was RESOLVED to receive the report, Proposed: Ms Salthouse, Seconder: Ms Baxter

Carried unanimously

33 REPORT ON TSB SUB-COMMITTEE MEETING HELD ON 6TH AUGUST 2019 (Agenda Item 9)

The Chair of TSB, Dr Baxter, presented the report.

Byelaw Review will be discussed at the next TSB.

The process for declarations of interest and how this impacts on members' ability to vote on items on which they had declared an interest should be considered. Member Mr Leigh is developing examples that members can use to help inform this.

RESOLVED to receive the report. Proposed: Mr Jones, Seconded: Mr Thompson; 2 abstentions (Mr Brown and Mr Clarke)

34 SCIENCE REPORT (Agenda Item 10)

SS reported that new officer Tom Brook had commenced employment on 12th August.

Defra is seeking views on Highly Protected Marine Areas. A Review Panel has been set up and was due to have its first meeting in the week beginning 22nd July.

CEO said HPMA are essentially areas set aside where there will be no fishing and no extractions of marine resources. .

Cockle Fisheries. Newbiggin, Leven Sands, Flookburgh and the east side of Pilling opened on 1st September. Middleton, Aldingham, Warton Sands and west side of Pilling remain closed under Byelaw 16. An application has gone to the local authority for sampling to start at Warton Sands. A survey is planned for 16th September.

The Chairman reported that about 18 months ago an individual had complained about people racing cars on Pilling Sands. The individual has now been in touch to say the activity has ceased for now and congratulated the Authority on dealing with this. The Chairman said this was due to the efforts of the HoE and congratulated him for his handling of the situation.

TSB members had been emailed for their support for proposals on potential fisheries. Members who have not yet responded are asked to do so. The cockle stock on the Wirral at Leasowe was re-surveyed. There is around 1,200 tonnes of size cockle and around 500 tonnes of undersized. Work with NE continues on bird food requirements. There is currently no mussel in the English side of the Dee which can provide an alternative resource for bivalve eating birds.

Mussels. Heysham Flat Seed Mussel Fishery was authorised from 22nd July as it was scouring out but the bed was not fished. There were two issues around marketing of mussels, the first the prohibition by NI on accepting mussel from Morecambe Bay because of the perceived risk of CMC. All NWIFCA quarterly survey results show no sightings of CMC. Second is that buyers in Southern Ireland are also reluctant to take any stock because of the uncertainty of a No Deal Brexit and how that might affect the ongoing market.

Solway Mussels. Skills in the operation of side scan sonar have increased with the assistance of Cornwall IFCA. It is hoped to survey the Silloth mussel area in the coming weeks.

An expert in the use and analysis of data from ground discriminating Olex equipment has assisted science team with training. Thanks to Dr Pearce for the contact.

Port of Silloth Dredge Disposal. Mr Graham asked about the licence for the operation and the location of the disposal ground. IFCO Observations indicate dumping of spoil over mussel and protected reef areas. Silloth fishermen may be aggrieved if dumping is being carried out in an area where they cannot get access to fish if the Port Authority is not complying with the licence conditions.

Mr Taylor said he has spoken to the operators who do not appear to have broken licence conditions. The vessel master logs each deposit and data has been plotted. The disposal ground has been licenced for many years. With the new information collected MMO will review the assessments of the spoil ground to inform discussion about moving it in future. SS said the basis for requesting re-location of the disposal site is that the area of mussel changes constantly. Each year it will probably be in a different area.

35 The Chairman adjourned the meeting for lunch.

36 MEETING RECONVENED AT 1325 HOURS

37 SCIENCE REPORT (Continued)

Mr Jones pointed out SS had indicated no mussel seed on the English side of the Dee and asked if there was any sign of spat. SS said not at the moment.

With respect to the Port of Silloth Dredge Disposal discussed earlier, Mr Taylor said MMO will prioritise this for an inspection to ensure that the conditions of the licence are being complied with. Legal advice will be required on whether the issue is of particular significance for MMO to look at recommending an alternative disposal site.

It was RESOLVED to receive the report. Proposed: Dr Baxter; Seconded: Dr Pearce

38 AMENDMENTS TO STANDING ORDERS (Agenda Item 11)

Minor amendments to Standing Orders have been identified recently. Four changes were suggested. The Chairman said that even with a proposer and seconder for the recommendation this matter could not be progressed until the next meeting.

Mr Brown proposed that any decision be deferred to the December meeting; seconded Mr Thompson and carried. Vote: 10 in favour, 0 against, 0 abstentions.

SS asked that a paper providing clarity around suspension of Standing Orders would be useful to members and officers. CEO agreed to ask Mr Leigh to draft a paper on rules for suspension of Standing Orders.

RESOLVED. Discussion on proposed amendments to Standing Orders be deferred to the December meeting of the Authority.

39 PROCEDURE AND GOVERNANCE REVIEW (Agenda Item 12)

CEO drew attention to the 5 resolutions in the report. He suggested it may be advisable to wait for a slightly more stable political and policy environment before undertaking the review.

The Chairman said the concept of the review is that it is an independent far-reaching review into the fitness for purpose of the Authority. Members have been kept sufficiently informed to date, the question of a budget had been discussed; he has also drafted Terms of Reference. He is happy for those items to be put to formal resolution if members wish.

CEO said a review could have a big impact on officers' morale. HoE said as an officer he is confused as to the scope of the review. He asked if NW Employers are appropriately qualified to review something which is relatively specialist in terms of what we do as an IFCA.

Councillor Brook proposed that in view of the circumstances surrounding Brexit, a decision on this matter be deferred until the December meeting. The proposal was seconded by Councillor Markley.

Mr Brown suggested it is unlikely the outcome of Brexit will be known by December. It would be better to defer a review for the foreseeable future.

The Chairman referred back to the proposal of Councillor Brook which was now seconded by Miss Salthouse and took this to a vote.

Vote: 2 in favour; 8 against. The motion was not carried.

Mr Jones proposed that this review is desirable now. The proposal was seconded by Mr Harpley. Vote: 8 in favour. The motion was carried.

Mr Graham said the Authority has already agreed the principle for a review. It is in the Authority's interests to find out if there are failings, and if there are criticisms they can be addressed.

Members discussed the need to invite tenders for the contract. The Chairman said paragraph 45(a) of Financial Regulations allows for contracts to be awarded for specialist services without tender and the review is within that definition. Miss Salthouse said she is uncomfortable with the idea of not going out to tender for a contract over £10,000. As a public sector organisation we should be thinking about best value. Mr Graham said it is right and proper that everybody is accountable. He proposed a motion that the Authority goes out for at least 3 tenders with a maximum budget of £15,000. The proposal was seconded by Councillor Brook.

The motion was carried unanimously.

The Chairman agreed to circulate the Terms of Reference to all members.

With respect to proposal 3 in the report that the Finance Committee agree levy increases to cover the cost, Councillor Markley said in the current financial climate he was not happy with the cost of the review falling on the constituent councils and proposed that this be funded from Reserves. The proposal was seconded by Mr Harpley.

Vote: 9 in favour, 0 against, 1 abstention (Miss Salthouse).

SS raised concerns on how the review will impinge on officers' workloads and asked for a possible time frame for response to the tenders. The Chairman said it is hoped everything can be in place for a New Year start. He assured officers he would try as far as possible to

ensure that any disturbance to staff or their operational responsibilities will be kept to an absolute minimum.

The Chairman suggested comments on the Terms of Reference over a consultation period of 14 days be invited, comments to be sent to the Chief Executive, and this was agreed.

RESOLVED

1. The proposed NWIFCA Review be approved and should be progressed.
2. CEO to seek at least 3 quotes for the review, the cost not to exceed £15,000 to be taken from reserves.
3. CEO to invite members to comment on the Terms of Reference.

40 ANNUAL PLAN MONITORING Q1 (2019-20 (Agenda Item 13)

Mr Graham asked for an update on induction of new members. CEO said most members have not had any induction and it is hoped some induction can be arranged, particularly in the south of the district linked to the Leasowe cockle fishery if possible.

The Chairman queried the number of MMO vacancies. CEO said there are now three.

It was RESOLVED to receive the report.

41 ANNUAL REPORT 2018-19 (Agenda Item 14)

Chairman asked whether the species saithe mentioned in the report is the same as pollack. Mr Taylor said saithe and pollack are the same genus but not the same species.

It was RESOLVED to receive the report.

42 DATES OF MEETINGS 2020 (Agenda (tem 15)

The Westmorland Show would likely be held on Thursday, 17th September in 2020. It was agreed the date of the meeting should be changed to Friday, September 18th

The Chairman suggested a change to the start time of 10.30 a.m. for quarterly meetings in future unless a Finance Committee meeting precedes that meeting, in which case the timing should remain at 11 a.m. as at present and this was agreed.

RESOLVED

1. The date of the 2020 NWIFCA September meeting be changed to Friday the 18th.
2. Dates for the remainder of NWIFCA and TSB Sub-Committee meetings for 2020 be agreed as in the report.

43 ANY OTHER BUSINESS (Agenda Item 16)

Dr Pearce informed members about concerns that a feature on Hilbre Island, which is a SSSI, is a cave which has been found to be structurally unsafe. The cave had been filled with inflammable expanding foam to stabilise it. This had caught fire and a storm had then spread the foam along the coast and there are concerns this could have a detrimental effect on fisheries. Mr Taylor said a marine licence had not been applied for or issued for the work and MMO are investigating this.

Meeting ended 1500 hours.