

262 AT A MEETING OF THE NORTH WESTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY held at Morecambe Town Hall on Thursday, 14<sup>th</sup> March 2019

PRESENT

Councillor P. Williams (Chairman)	Cheshire West and Chester Council
Mr R. Graham (Vice-Chairman)	MMO appointee (Commercial)
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 P. Gray	MMO (Officer)
Mr D. Harpley	MMO appointee (Marine Environment)
Mr M. Johnston	Natural England
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)
Dr B. Pearce	MMO appointee (Marine Environment)
Miss C. Salthouse	MMO appointee (Marine Environment)
Mr K. Thompson	MMO appointee (Commercial/Aquaculture)

NWIFCA OFFICERS ATTENDING

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

APOLOGIES FOR ABSENCE

Miss K. Nisbet	Natural England
Councillor A. Leech	Sefton Council)
Councillor S. Morris	Lancashire County Council
Councillor B. Woolfall	Halton Council
Mr G. White	Sefton Council (Officer)
Mr P. Wright	Halton Council (Officer)

263 CHAIRMAN'S ANNOUNCEMENTS (Agenda Item 1)

1. The Chairman announced apologies and welcomed visitors Danny Baxter, Tony Baxter, Jamie Baxter, John Watson and Tom Watson.
2. Members should have received a copy of the Supplementary Report and Notes of AIFCA Members' Forum (Agenda Item 9). Hard copies were available from the Clerk.

264 DECLARATIONS OF INTEREST (Agenda Item 2)

Agenda Item 7 (Byelaw 3 – Cockle and Mussel Fishing Permit 2019). Dr J. Andrews, Mr R. Benson, Mr T. Jones, Mr S. Manning.  
Agenda Item 8 (Potting Permit Byelaw 2019). Dr J. Andrews, Mr R. Benson, Mr T. ones  
Agenda Item 12 (Report on TSB Meeting held on 6<sup>th</sup> November 2018). Dr J. Andrews, Mr S. Manning, Dr B. Pearce.  
Agenda Item 13 (Science Report). Dr J. Andrews, Mr R. Benson, Mr T. Jones, Mr S. Manning, Dr B. Pearce,



suitable equipment on the vessel and trial its operation with a limited number of staff and hours at sea.

Mr Oddy proposed that a budget of £5,000 be made available if required for survey work and training connected with mussels at Silloth. The proposal was seconded by Dr Baxter.

Dr Baxter asked which budget head survey work comes under at the moment. The CEO said that survey work was not in any one specific section of the budget, but elements of it would come under a variety of budget heads. The HOE explained that survey work would be part of the employee budget, transport, the vessel and fuel and would not be shown separately. Dr Baxter said that it would be useful to have a breakdown to see how much is assigned to survey work. The Chairman pointed out that this would be an accountant's nightmare because the component parts will be done under very different headings. He suggested a conceptual approach and possibly funding a number of hours for survey work.

#### RESOLVED

1. The budget review to 31<sup>st</sup> December 2018 be approved.
2. The budget and levy approved on 6<sup>th</sup> December 2018 be noted.
3. A budget of £5,000 be approved if needed for survey work and training connected with the Silloth mussel work.

#### 270 PATROL AND ENFORCEMENT (Agenda Item 6)

General Update. Five officers attended the IFCA training course in Torquay in February.

HoE attended a NW Rural Crime Conference, Regional Maritime Intelligence Meeting ((REMIT) and National Inshore Marine Enforcement Group (NIMEG) to which he was appointed Chairman.

IFCOs and Science Officer James gave a presentation to angling interests in Liverpool. Mr Leigh said he had received good feedback and felt the Authority needs to engender positive relationships with stakeholders. He thanked officers for their work in that area.

Body Worn Video Cameras. These were issued to all shore-based officers and training in their use completed. They provide better record of incidents and should improve compliance particularly in respect of MACAA offences for obstruction and failure to comply.

IFCA National Training. Ian Jones, former Deputy Chief of Sussex and Southern SFCs has been appointed National IFCA lead Training Officer. NWIFCOs are currently undertaking training with Mr Jones on lines of questioning and interview techniques.

Bass Regulations 2019 were published on 14<sup>th</sup> February 2019. Mr Leigh said officers were quick to issue posters and information but the website lacks the main conservation reference size for bass. It was agreed to place this back on the website. *NB the size was and is on the website but not in the Bass poster about the new regulations to which it has now been added.*

Fishery Reports. Authorisations were issued on 21<sup>st</sup> January for Byelaw 3 permit holders to fish by craam for cockles at Newbiggin, Flookburgh and Leven Sands. The Byelaw 13A closure on Pilling Sands cockle bed was lifted on part of the bed. Enforcement effort has been high with IFCOs drawn from across the District to maintain compliance.

Sanctions, Infringements and Court Activity. 377 inspections took place in North Morecambe Bay during the quarter. Compliance has been good. One FAP was issued and paid for failure to comply at Foulney.

A prosecution for breaching Byelaw 13A at Pilling in September 2018 was held at Liverpool Crown Court on 7<sup>th</sup> March. Two defendants pled not guilty to a fisheries offence but guilty to a charge of failure to comply with the reasonable request of a IFCO. The fisheries charge was dropped and the court found the defendants guilty of the second offence. Each were fined £1,500.

In response to a question from Mr Graham relating to an official warning letter for vessel infringement, HoE said this was for suspected use of scallop dredges.

Maritime Activity Report patrol statistics. RIB patrols were restricted by weather conditions and other duties.

Whelk Potting: Mr Clarke queried the report of vessels from Ravenglass and said to his knowledge there has been no whelk fishing by Ravenglass vessels for the last 8 months.

Mr Jones asked about the range of FAP applied and whether that money accrues entirely to NWIFCA. HoE said there are four levels of penalty and the FAP must be set higher than the financial gain from the offence. FAPs range from £250 to £10,000. CEO said FAP money is retained separately and accrues to the IFCA.

Landing Obligation. Mr Graham said since the introduction of the landing obligation on 1<sup>st</sup> January MMO has stated that undersize quota fish could be used for bait in pots for crab and lobster. IFCA should inform fishermen of changes in regulations for landing undersized quota fish that can be used as bait.

Mr Brown referred to the current NWSFC Byelaw 6 (shrimps and prawns) and asked how this affects landing of fish taken as incidental catches in shrimp trawls with small mesh nets. Mr Gray said the issue was recognised by MMO making a problem with applying landing obligations to the North West. MMO has worked with industry and Defra to get a landing obligation that works for the North West. The brown shrimp fishery has been highlighted as not appropriate for application of the landing obligation.

It was RESOLVED to receive the Report.

#### 271 BYELAW 3 – COCKLE AND MUSSEL FISHING PERMIT 2019 (Agenda Item7)

The proposed byelaw with track changes showing the amendments since the last version was provided including a new provision for permit suspension based on a new Cornwall byelaw. A discussion with the Authority's lawyer is scheduled for 20<sup>th</sup> March. It is hoped to make the byelaw at the June meeting.

CE said that under the revised procedure for Byelaw Q&A, from 1<sup>st</sup> April 2019 MMO will provide less scrutiny of drafts so that IFCA rely more on their own legal advice which may incur an extra cost.

Mr Brown wished it recorded that he has concerns on permit suspension which should only be the role of a magistrate. If adopted members agreed the Authority should formulate a graduated approach for suspension period and decisions made by TSB to give transparency of process.

Mr Manning asked if the waiting list could include a requirement for the applicant to demonstrate fishing experience. CEO said that discrimination by address, heritage or qualification would not be allowed.

Re transitional arrangements CEO said it had been agreed to terminate arrangements in the current byelaw. The SS said there should be a defined period in the byelaw.

RESOLVED

1. Draft changes to byelaw subject to legal advice and members' comments.

2. The byelaw be submitted to the TSB Committee for further discussion.

272 The Chairman adjourned the meeting for lunch.

273 MEETING RECONVENED AT 1330

274 POTTING PERMIT BYELAW AND WHELK MANAGEMENT MEASURES (UPDATE) – Agenda Item 8)

TSB changes had been incorporated also further comments from Dr Andrews and Mr Brown and CEO. A questionnaire circulated to 18 stakeholders outlining measures proposed for the flexible permit conditions yielded 6 responses. TSB will be updated in May.

Mr Graham asked if the proposed increase in MLS of 75mm would be a gradual process. The SS said feedback from industry indicated this should be done over a number of years.

Mr Clark asked what mechanism would be used to sort the whelk to determine size. The SS said whelks are passed through a suitable riddle. Mr Clarke said plastic pollution needs to be reduced suggesting pots should be a suitable material. SS said the word plastic in defining the type of whelk pot to be used has been taken out of the byelaw.

Mr Brown asked how enforcement of MLS would be done. SS said by boardings and catch inspections.

It was RESOLVED to receive the report.

275 CEO REPORT (Agenda Item 9)

iVMS. Units for IFCA's four main patrol vessels have been ordered.

Personnel, Health and Safety. Mr Oddy asked if the Authority has a Health and Safety policy that covers lone working and if officers are provided with GPS spot locators. Members were informed that the Authority does have such a policy which allows very limited lone working. Mr Oddy suggested GPS spot locators could be beneficial. CEO agreed to raise this with the H&S consultant.

AIFCA. Meetings on 4<sup>th</sup> and 5<sup>th</sup> March were attended by the CEO and Chairman. At the 4<sup>th</sup> March meeting the company contracted to carry out a review of AIFCA had presented its report which concluded that some areas of work could be improved.

The normal quarterly meeting was held on 5<sup>th</sup> March. Notes had been provided of that meeting.

The Chairman said he was disappointed with review. A presentation on day 2 showed how preoccupied Defra is with Brexit negotiations reporting no continuing discussions between the UK and EU on fisheries. Licensing for foreign fishing vessels post Brexit has not yet been agreed. Vessels will need an IMO number and Fishing News will be carrying announcements. There will be large increase in the need for catch certification.

Supplementary Report. Reappointment of members was raised at AIFCA. A decision on extension of the 10 year period will be essential in 2020. CEO has requested clarification on the procedure for making reappointments. MMO response is that members should contact MMO to seek reappointment and the IFCA must provide assessment of performance. CEO will request renewal of appointments for members whose terms have

expired or will expire in 2019. Membership will need to be formally clarified and confirmed by MMO.

Mr Oddy suggested other IFCA's may be in the same position. CEO will make them aware of the situation. Chairman pointed out there may have been some resolutions agreed which may need to be revisited in the light of the present situation. Once the MMO position has been clarified these can be re-validated. Dr Pearce said she has never received a formal appointment offer.

#### RESOLVED

1. CEO to request renewal of appointments for members whose terms have expired.

#### 276 ANNUAL PLAN 2018-19 3<sup>RD</sup> QUARTER (agenda Item 10)

CEO said following a request from the December meeting the report contains information on where the various reports and documents referred to in the Annual Plan can be found.

It was RESOLVED to receive the report.

#### 277 ANNUAL PLAN 2019-2020 (Agenda Item 11)

CEO said a few changes have been made to the Plan since the December meeting including addition of financial figures and a few corrections.

Membership, Governance and induction: Mr. Leigh suggested development is required to assist members. It was suggested councillor members should also be invited to an induction to make them more aware of the work carried out by the Authority.

Dr Pearce asked if shrimp fisheries can be added to the Science Plan. SS said previous Research data is available and that the current research plan had no capacity for new work.

It was RESOLVED to receive the report.

#### 278 REPORT ON TSB MEETING HELD ON 6<sup>TH</sup> NOVEMBER 2018 (Agenda Item 12)

Chairman of TSB, Mr Graham, presented the report.

It was RESOLVED to receive the report.

#### 279 SCIENCE REPORT (Agenda Item 13)

Marine Protected Areas in the NWIFCA District. St Bees Head - Cumbria Coast MCZ. The netting voluntary code of conduct begins on 18<sup>th</sup> March. Information has been circulated.

Assessment of Fishing Activities. Assessment of bait collection activity within the District's MPAs has begun. Analysis of 2 years of IFCA sightings data is being carried out.

Whole Site Management. A recent report published by Defra entitled MPA Network Report 2012-18 sets out the progress in establishing the network since 2012 and future plans. There has been some criticism from MCS on management of some fisheries in inshore waters by IFCA's. MCS is saying this should have been done on a whole site basis and not on a feature basis. Members will be kept informed of developments.

Razor Clam Collaborative Research. In February TSB agreed to continue discussions. A dispensation for electro dredging should be applied for with MMO. TSB approved a dispensation against byelaws. Funding will be from the new Shellfish Centre at Bangor

University and the research carried out in the District by Deepdock. Data will be shared with industry in other parts of the District and could assist stakeholders to carry out necessary research in other parts of the District

Nephrops Creels Project led by Dr Baxter from the Wildlife Trust in collaboration with NWIFCA. Aim is to test if gear is successful for catching nephrops in the West of Walney MCZ and is driven by the imminent MMO byelaw prohibiting bottom towed gear in the MCZ.

National IFCA TAG Conference. Hosted this year at Lancaster University by NWIFCA, was attended by representatives from Jersey States, Cefas, Defra, NE and Isle of Man Government. Members Dr Baxter, Dr Pearce and Mr Leigh attended. Thanks to SS M. Knott for organising the conference.

Mr Leigh said it was useful experience to see the breadth of work under way in IFCA and asked if there is a repository for the research. SS said TAG does this and all presentations have been received. SS has agreed to role of Vice-Chair of TAG for the next term.

NW Marine Plan – MMO. SS is responding to an online consultation on Iteration 3 which ends on 29<sup>th</sup> March. Miss Salthouse reported on a workshop in Carlisle in February. North West Coastal Forum is assisting MMO with public engagement on marine planning. Two specific areas which MMO are concentrating on are the policy wording, on which MMO is currently consulting, and implementation. The workshop concluded that the intent of the policy is good, there were some suggestions for re-wording and amending and issues were also identified on the implementation side.

Halite Gas Storage. EA had invited IFCA to a second meeting of the Marine Management Group subsequently cancelled. The SS has made the point to EA that this has again lost time required for carrying out the relevant surveys

Cockle Fisheries. Morecambe Bay. The fisheries were reopened after the surveys. No conclusive results have been obtained from the breakage rate study. Further work is scheduled at Flookburgh and Pilling.

Leasowe – Wirral. Officers have surveyed the area and found large cockles remaining from the previous fishery. Juvenile cockles were also present. It is hoped a viable fishery can be authorised to take place at Leasowe next September.

Mussel Fisheries – Morecambe Bay. The SS provided an update on the work around the perceived risk of transport of Chinese Mitten Crab from mussel from the Bay for relaying. Quarterly monitoring of Foulney and Heysham Flat mussel beds is being carried out. No CMC were found. Officers are investigating use of crab tiles in the Walney Channel to improve monitoring.

Mr Benson said Southern Ireland is willing to accept exports of mussel from Morecambe but Northern Ireland are refusing. The SS said Southern Ireland has a risk based approach and accept the evidence. Northern Ireland does not appear to take the same risk based approach.

Mr Manning raised a concern that the only evidence of CMC in the Walney Channel had been a photograph. The SS said CMC have been found in the Duddon in the past and there was no reason to suggest the report was untrue.

Mr Jones raised concern that the export industry is being stopped without actually having seen a physical manifestation of the crab. He thought any individual must be photographed and actually given to the science team with its exact origin before a legitimate export is stopped.

It was suggested an approach be made to the local MP, copied to Defra and Cefas, with a request they contact DAERA asking them to justify their decision not to accept mussel from Morecambe Bay.

West Cumbria Mining. Councillor Markley reported that the planning application for the first offshore construction mine will be discussed on 19<sup>th</sup> March.

Bass Tagging Programme. Mr Leigh said he has been asked to seek confirmation that the 2019 bass conservation measures do not apply to tagged fish. Mr Gray was asked to look into this and clarify.

It was RESOLVED to receive the report.

280 CHAIRMAN'S REPORT RE PROCEDURE AND GOVERNANCE REVIEW (Agenda Item 14)

The Chairman reported a meeting with North West Employers who seem suitable to carry out the review for a sum of £15,000. Terms of Reference should be sent to North West Employers asking for a quote.

General Purposes Sub-Committee would be appropriate to progress the review. The Chairman can co-opt additional members with relevant expertise. Composition of the sub-committee was agreed as Chairman, Vice-Chairman, Chairman of Finance, Vice-Chairman of TSB, Dr Andrews and Mr Leigh. Quorum for this committee to be any three members.

281 ANY OTHER BUSINESS (Agenda Item 15)

1. Dr Andrews raised the question of harmonisation of legacy byelaws. It was agreed this should be referred to the next TSB for further discussion.
2. Eden Project in Morecambe. SS reported meeting two representatives from this project who wished to engage with NWIFCA. A further meeting in early April is planned to discuss the relevance of IFCA work and representatives may attend a future meeting of the Authority. The group is a successful social enterprise and will be looking at the benefits for the wider community particularly in Morecambe.

It was RESOLVED that representatives of the Eden Project in Morecambe be invited to a future meeting of the Authority.

Meeting ended 1525 hours.