

44 AT A MEETING OF THE NORTH WESTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY held at Morecambe Town Hall on 5th December 2019

PRESENT – MEMBERS

Councillor P. Williams	(Chairman)	Cheshire West and Chester Council
Mr R. Graham	(Vice-Chairman)	MMO appointee (Commercial)
Dr J. Andrews		MMO appointee (Marine Environment)
Mr R. Benson		MMO appointee (Fishing Industry – N. West)
Mr S. Brown		MMO appointee (Recreation)
Mr D. Harpley		MMO appointee (Marine Environment)
Mr T. Jones		MMO appointee (Commercial/Aquaculture)
Mr B. Leigh		MMO appointee (Anglers and Recreation)
Councillor A. J. Markley		Cumbria County Council
Mr M. Taylor		MMO (Officer)
Mr K. Thompson		MMO appointee (Commercial/Aquaculture)

NWIFCA OFFICERS ATTENDING

CEO, Senior Scientist (SS), Dr Hartley, Digital Communications Officer

APOLOGIES FOR ABSENCE

Mrs K. Atkins	Finance Officer (NWIFCA)
Dr E. Baxter	MMO appointee (Marine Environment)
Councillor N. Brookes	Blackpool Council
Mr D. Dawson	Wirral Council (Officer)
Councillor E. Grey	Wirral Council
Mr M. Johnston	Natural England
Councillor K. Little	Cumbria Council
Mr S. Manning	MMO appointee (Commercial)
Mr G. White	Sefton Council (Officer)
Mr B. Woolfall	Halton Council
Mr P. Wright	Halton Council (Officer)

45 CHAIRMAN'S ANNOUNCEMENTS (Agenda Item 1)

1. The Chairman reminded members of the importance of declaring prejudicial interests.
2. The Chairman passed on the Clerk's thanks for encouraging messages following her recent surgery.

46 DECLARATIONS OF INTEREST (Agenda Item 2)

Item 7 (Disclosable Pecuniary Interests): Mr. R. Graham, Mr. B. Leigh
Item 10 (Report on TSB Committee meeting held on 5th November 2019): Mr. R. Graham, Mr. T. Jones
Item 11 (Science Report): Mr. R. Graham, Mr. T. Jones
Item 12 (NWIFCA Review - Update): Mr. R. Graham, Mr. B. Leigh, Mr. R. Graham
Item 14 (Corrections to Constitution): Mr. R. Graham, Mr. T. Jones, Mr. B. Leigh

47 TO RECEIVE MINUTES OF THE NWIFCA QUARTERLY MEETING HELD ON 13TH SEPTEMBER 2019 (Agenda Item 3)

The Senior Scientist raised an amendment to paragraph two of minute thirty one, correcting NWIFCA Byelaw 19 to NWSFC Byelaw 19.

Dr Andrews put forward an amendment to paragraph two of minute thirty one to clarify that the new EU regulation 2019/1241 was made on 25th July 2019.

RESOLVED

Following incorporation of the amendments the minutes of the NWIFCA Quarterly Meeting held on 13th September 2019 be approved and signed as a correct record.

Proposed: Mr. Thompson

Seconded: Mr. Harpley

48 MATTERS ARISING

No matters arising.

49 REPORT ON FINANCE AND PERSONNEL SUB-COMMITTEE MEETING HELD ON 5TH DECEMBER 2019

Councillor Markley was reappointed as Chair of the Finance and Personnel Sub-Committee and Mr. Graham was appointed as the Vice Chairman.

The Authority holds reserves in excess of £800,000 with £240,000 allocated for the replacement of the patrol vessel.

A 2% increase to the levy was approved by the sub-committee.

The increase to the charging regime to external bodies was discussed.

It was RESOLVED to receive the report.

50 FINANCIAL REPORT (Agenda Item 6)

The CEO presented the report.

The Chairman noted that fraud by staff was classed as low risk in the financial risk assessment and added that he assumed controls are in place. The CEO confirmed that there are controls in place.

Members questioned the inclusion of the general risks table in the finance report and queried whether it was an exhaustive list of risks. CEO said this list covers financial risk only. The General Risk strategy and register is available from the Clerk.

RESOLVED

1. The Budget Review to 30th September 2019 was approved
2. The Budget and Levy for 2020-21 was approved
3. The effectiveness of independent audit was approved and Moore & Smalley LLP be appointed as independent auditors for 2019-20
Proposed: Cllr. Markley, Seconded: Dr Andrews
4. The financial risk assessment was approved.
Proposed: Dr Andrews, Seconded: Mr. Leigh

51 DISCLOSABLE PECUNIARY INTERESTS (Agenda Item 7)

Mr Leigh explained that it was necessary to make the amendments to the Constitution and Standing Orders to ensure that the Authority is compliant with current legislation. The changes are necessary as the current forms and system is not appropriate for the current legal framework. He added at this stage the amendments need voting through in order to be considered over the next quarter by members before being brought back for discussion and potential ratification at the next meeting.

RESOLVED

1. Members approved the recommendation to direct officers to undertake the necessary work in preparing the required changes to the Constitution and Standing Orders in relation to recording Disclosable Pecuniary and other interests and granting dispensations under section 33 of the Localism Act 2011.
2. Members approved the amendments to the constitution as in Annex 5 to be ratified at the next meeting.

Proposed: Mr. Leigh, Seconded: Dr Andrews

52 PATROL AND ENFORCEMENT (Agenda Item 8)

The CEO presented the report in the absence of the HoE.

Mr Leigh thanked officer's for work to raise awareness of the change to catch and release for recreational bass fisheries on 1st November. Mr Leigh also queried whether recent convictions in courts had been publicised. The Communications Officer stated they had not due to work load.

Members asked about the outstanding recovery of prosecution costs from Mr Faulkner. CEO reported that Mr Faulkner had passed away in 2018 and it would not be cost effective to seek recovery from his estate.

It was RESOLVED to receive the report.

53 CEO REPORT (Agenda Item 9)

MMO has commenced recruitment of three new MMO appointees. Members were asked to inform anyone who may be suitable to increase applications. The Authority is keen to help prospective candidates who may contact the office to discuss the work and remit of the NWIFCA.

The MMO have accepted in principle extending some members past the 10 year limit on appointments if they meet exceptional criteria. MMO will set criteria and inform the Authority.

Mr Leigh queried why the member appointment period is limited to 10 years. The CEO said this is public policy and may be linked to the Nolan principles for public office. The Chairman will be requested by MMO to submit justifications for extensions for anyone the Authority wishes to extend beyond 10 years.

Members discussed the possible causes of poor attendance of councillors. Methods of increasing engagement with councillors were suggested including a newsletter, reports of work at national level by AIFCA, raising IFCA profiles among local authorities nationally and developing induction and training for members. CEO reported that engagement with councillors in the south of the district had started. Councillors had been invited to see fisheries first hand with the local IFCA.

Dr Andrews noted the absence of Natural England and the Environment Agency and said statutory members should attend or send a substitute to ensure meetings are quorate.

RESOLVED

The CEO to write to the absent local authorities regarding their poor attendance.

The report was received. Proposed: Dr Andrews, Seconded: Mr Harpley.

54 SUMMARY REPORT OF TSB 5-11-19 (Agenda Item 10)

Mr Jones delivered the report in the absence of the TSB Chair.

There was a long discussion on the whelk track record. Members of industry present at the meeting strongly favoured pot limitation as a good control to be used. Revisions to the track record process are ongoing and will be provided for TSB.

CEO reported that formal consultations on Byelaws 3 and 4 had closed and replies were being drafted to all respondents. The Senior Scientist said that some responses may require minor changes to the potting byelaw which TSB will consider by email.

Mr. Manning attended the TSB to voice concerns that the new Byelaw 3 does not resolve the issue of the long waiting list preventing young people being able to fish for cockles and mussels, potentially breaking a family's fishing lineage. The CEO said that repeated discussions of this question had not identified viable solutions and alterations would further delay the Byelaw. Mr Leigh said that he suggested use of a protected origin method as used by EU countries for products such as wine and cheese; also lobbying MPs for a change in national legislation and examining grandfather rights in other fisheries. The Senior Scientist reached out to Mr Manning following the meeting for more information on the families affected and whether there is a legal way forward with this issue. Members sympathised with Mr Manning's concerns and discussed the difficulty of finding a solution.

It was RESOLVED to receive the report

55 SCIENCE REPORT (Agenda Item 11)

The Senior Scientist presented the report and invited questions from members.

It was RESOLVED to receive the report. Proposed: Dr Andrews, Seconded: Mr. Jones

56 NWIFCA REVIEW - UPDATE (Agenda Item 12)

The CEO provided a timescale for the review. Following approval at the meeting invitations to tender will be sent out. The CEO has sought guidance from two local authority procurement departments to follow a correct tender procedure.

RESOLVED

The Terms of Reference and timetable at Annex A was approved and the Chairman was authorised to progress the review. Proposed: Mr Thompson, Seconded: Mr Harpley.

57 ANNUAL PLAN MONITORING Q2 (2019-20) (Agenda Item 13)

Mr Leigh raised the omission of member training under the training section of the report, stating that Defra insisted on the implementation of a member development review. CEO said that MMO has a duty to train new members for their role.

Members discussed the required content for members' induction including the constitution, standing orders, the Authority's basic functions, relevant legislation and the various fishing methods used within the district. Dr Andrews added that training needs should be analysed and not just based on the comments voiced by those who are in attendance.

Dr Andrews queried the lack of a draft of the Annual Plan for 2020-2021. The CEO said that the plan should have been presented at this meeting and apologised for its omission.

RESOLVED

The Senior Scientist is to collate resources on fishing methods for circulation to members.

It was resolved to receive the report.

58 CORRECTIONS TO CONSTITUTION (Agenda Item 14)

The CEO explained that minor corrections to the constitution were required. Under standing orders S1, recommendations for changes must be approved at this meeting and ratified at the next Authority meeting.

RESOLVED

1. Ch1 Standing Orders Section 9.33 p10 be amended to: "No resolution agreed by the Authority will be reconsidered within 6 months of the date the decision was made.
2. Ch1 Standing Orders Section 11.2 p11 be amended to: ...Section 5 of the Authority's Constitution.
3. Ch2 Financial Regulations Annex A p16 preamble be amended to '... held on 22 March 2013.
4. Ch2 Financial Regulations p 20 paragraph 45(h) be amended to: 'Any invitation to tender issued under this regulation shall contain a statement to the effect that procedures 45(b) to 45(h) will apply'.
5. Ch4 Scheme of delegations page 31 TSB: Point 1 last line be amended to: '... presentation to the full Authority for consideration and decision',

Proposed Mr. Leigh, Seconded: Cllr. Markley

59 ANY OTHER BUSINESS (Agenda Item 15)

1. Mr Jones asked the Senior Scientist to report on the NORTH ATLANTIC and EUROPEAN MUSSEL ORGANISATION (NAEMO) conference. The Senior Scientist said the conference provided a good overview of current mussel research. The future of the conference was discussed including which geographic region to cover and the requirement for resources to secure the future. Mr Jones said the Senior Scientist's attendance was extremely worthwhile especially as an attendee with a fisheries management background.

Meeting ended 1500 hours.