

18 AT A MEETING OF THE NORTH WESTERN INSHORE AND CONSERVATION AUTHORITY
HELD AT TRUCKHAVEN, CARNFORTH, 29TH SEPTEMBER 2022

PRESENT – MEMBERS

Dr J. Andrews	Vice Chair	MMO appointee
Councillor A. J. Markley		Cumbria County Council
Councillor M. Wilson		Cumbria County Council
Councillor P. Williams		Cheshire West and Chester Council
Councillor S. Clarke		Lancashire County Council
Mr R. Benson		MMO appointee
Mr N. Baxter		MMO appointee
Mr R. Lomax		MMO appointee
Mr S. Brown		MMO appointee
Dr A Richardson		MMO appointee
Mr. B. Leigh		MMO appointee
Mr S. Manning		MMO appointee
Mr L. Stainton		MMO appointee
Mr K. Thompson		MMO appointee
Mr G. Pidduck		MMO appointee
Mr D. Harpley		MMO appointee

IN ATTENDANCE

L. Browning	Natural England
S. Johnston	MMO
Mr M Rowlings	Member of Industry

NWIFCA OFFICERS ATTENDING

CEO, Head of Enforcement (HOE) Senior Scientist, IFCO Greenop, IFCA Grose, IFCO Thinnesen, Clerk.

APOLOGIES FOR ABSENCE

Mr P Capper	Chair	MMO appointee
Mr R Donnan		MMO appointee
Mr W Friend		MMO appointee
Councillor J Parr		Lancashire County Council
Ms C Salthouse		MMO appointee
Dr C Mihailovici		MMO appointee

CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 1)

The Vice Chair welcomed everyone to the meeting which he was chairing in the absence of Mr Capper. He commented on changes there had been since the meeting in June, referring to the King and new Prime Minister. He also welcomed Mr Steve Johnston who is the new MMO representative. He confirmed the resignation of both the CEO and the Finance Officer had been received.

19. DECLARATION OF INTERESTS (AGENDA ITEM 2)

S Manning items 7, 8 and 10

MINUTES OF MEETING 23rd JUNE 2022 (AGENDA ITEM 3)

The minutes were not approved at this meeting. There were some typographical errors to be corrected, the meeting location, and Councillor Williams requested that a voice recording of the meeting be sent to the Chair to review some content.

20. MATTERS ARISING (AGENDA ITEM 4)

No further matters arising.

21. FINANCE REPORT (AGENDA ITEM 5)

The Finance Officer presented her report, Mr Manning requested that future reports contain a greater breakdown of costs after the report highlighted an increase in transport expenditure. The Finance Officer pointed out that she was able to manage budgets within a budget heading, but to move funds between budget heads would require approval of the Finance sub-committee. There are some potential short term savings due to the vessel not requiring fuel whilst it is offline and also in the staffing and recruitment budget.

The Chair pointed out that we were living in uncertain times and that it was appropriate for Officers to have a degree of autonomy when approving some expenditure and budgetary controls.

The Chair thanked the Finance Officer for her report and her many years of service in the role.

The Chair informed members that the Authority had received a letter from Defra giving some detail on the changes coming into effect in Cumbria from April 1st 2023. Cumbria County Council will cease to exist and will be replaced by two unitary councils, Cumberland and Westmorland & Furness. The proposal states that the levy due to NWIFCA will be split at almost 50/50 between these two new councils. The Chair has been asked to respond to the letter confirming that the Authority is happy for amendments to be made to the 2010 Order to ensure that the membership of NWIFCA reflects the changes to local government arrangements in Cumbria

RESOLUTION: CHAIR TO RESPOND TO DEFRA BY 5TH OCTOBER ITS APPROVAL TO AMEND THE 2010 ORDER TO REFLECT THE CHANGES IN LOCAL GOVERNMENT IN CUMBRIA

Proposed: Councillor Wilson, Seconded: Councillor Markley 18 in favour, 1 abstention, motion carried.

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22. GENERAL PURPOSES & STANDARDS COMMITTEE UPDATE (AGENDA ITEM 6)

The General Purposes & Standards committee met virtually on the 20th September to discuss the appropriate response to the resignation of the CEO and Head of Finance.

It was agreed at that meeting that the Head of Enforcement should step up into the CEO role in the interim, in accordance with the Constitution, and should be remunerated as appropriate.

At a meeting of the Finance & Personnel sub-committee prior to the quarterly meeting it had been agreed that a working group should be set up to progress recruitment for the CEO role. This working group and the sub-committee would recommend an appropriate course of action to the Authority.

With respect to the Head of Finance role, the key concern in the short term was to ensure that both the payroll and invoices from suppliers are paid on time. The HoF confirmed that the payroll has been completed for October and all supplier payments are up to date. The Finance & Personnel sub-Committee had agreed at the HoF's suggestion that these functions be outsourced. Rushton's Accountants from Preston have been appointed on a temporary basis and will provide an interim officer based in the office at Carnforth.

23. PATROL AND ENFORCEMENT REPORT (AGENDA ITEM 7)

Head of Enforcement presented his report. A brief overview of patch activities was given.

He reported on a project alongside OceanMind involving the testing of drones and alternative enforcement tools. It is hoped to further utilise some of these techniques in the future. Senior Scientist commented that there would be a use for this technology to aid sampling. Dr Andy Richardson from OceanMind declared an interest in this item. He also thanked officers for their support and professionalism.

Mr Brown agreed that this was a positive way forward.

It was reported that significant mechanical issues had arisen with North Western Protector which is currently offline. Wear had been detected to the bearings on the impellers in the jet drives and metal fragments were found during an engine oil change. Oil samples have been sent away for analysis, and it has been confirmed that the metallic particles were consistent with big end bearing failure and increased levels of Sodium in the oil indicated sea water ingress.

These oil sample results indicate that there are significant mechanical issues with the engines. It is likely the engines will need to be replaced with reconditioned engines from MAN. This is completely unforeseen and suggests there has been a failure not due to maintenance. Engine rebuild was expected at 10,000 hours and the engines have only done 5000 hours total service, with 1500 as an IFCA vessel.

These repairs have occurred significantly sooner than had been anticipated for the life of the vessel.

Procurement of the smaller new vessel to replace Protector Bravo has been paused as has recruitment of two new IFCO/Crew to the staffing.

IFCO Greenop who has extensive knowledge due to his time serving as an engineer in the Royal Navy, gave further technical information, and reported that the best option would be to send the engines to Plymouth for repair. The costs so far are estimated at approximately £150K.

Councillor Markley stated that currently the vessel is of no use offline and will continue to deteriorate. He questioned if the vessel was in fact fit for purpose moving forward. IFCO Greenop said he felt that the vessel was worth a refit and still had a role to play and HOE concurred.

It was broadly agreed that all scenarios should be explored and a more detailed report be brought back to the Finance & Personnel sub-committee once the engines have been sent to MAN in Plymouth for a more detailed quote of work required. With regard to contingencies the Authority does have other vessels available to conduct its statutory functions.

Councillor Williams queried the feasibility of an insurance claim. The HOE was awaiting further information but it was thought unlikely.

The Chair summarised the discussion remarking that inaction would result in the Authority owning a vessel that was little more than scrap metal. He suggested that MAN be contacted to inform them of our intention to remove the engines and transport them to Plymouth in the immediate term.

RESOLUTION: THAT WE PROCEED EXPEDIENTLY AND PRUDENTLY IN HAVING THE ENGINES SENT TO MAN FOR REPAIR.

Proposed: Chair Seconded: Councillor Williams .Vote: 18 in favour, 1 abstention, Motion carried.

RESOLUTION: OFFICERS PREPARE A REPORT ON POTENTIAL FURTHER REPAIRS AND BRING BACK TO FINANCE AND PERSONNEL SUB-COMMITTEE TO MAKE A RECOMMENDATION.

Proposed: Councillor Markley, Seconded: Councillor Williams 18 in favour, 1 abstention, motion carried.

Head of Enforcement gave a brief update on Health & Safety and byelaws, reporting that limited non-compliance had been detected and Officers were maintaining a strong presence to disrupt any potential offending.

Mr Manning again raised the issue of offending at Leasowe, HOE stated that four verbal warnings had been issued and there had been no removal of stock from the fishery, he confirmed that officers patrolled the area regularly.

RESOLUTION: TO RECEIVE THE REPORT

Proposed: Councillor Wilson, Seconded: Mr Leigh, all in favour, motion carried.

24 TSB SUMMARY 2ND AUGUST 2022 (AGENDA ITEM 8)

Mr Leigh reported on the TSB meeting held in August. He gave details of the whelk track record and appeals process, for which there had been only two appeals.

Discussions had taken place regarding the proposed HPMA at Allonby Bay, this is a separate agenda item.

He highlighted the Fisheries Industry Science Partnership (FISP) scheme reporting that there was significant funding available for research projects and the Authority should investigate the potential of partnering other bodies, the decline of the shrimping industry was one suggestion and Mr Manning will provide contact details at Salford University. The Senior Scientist agreed to progress this further and report back at the next meeting.

Morecambe Bay remained closed for the gathering of cockles with limited fisheries available for mussels.

There is potential for a fishery at Southport, but there had been some complex issues around sampling and timescales, and he reported on the frustrations of industry, the science team will continue to communicate any updates via email where appropriate.

A consultation had been undertaken regarding the minimum landing size of mussels, following a few technical issues with the survey overall there was no appetite for district wide change, but this will be revisited at a future date.

A field trip to Foulney had been arranged, but this will now be rescheduled.

Following a tribute to the Chief Officer and Finance Officer, the meeting broke for lunch at 12.45.

25 CHIEF OFFICERS REPORT (AGENDA ITEM 9)

The CEO presented his final report in the post. He welcomed Gemma Grose to the science team and said the team was now at full complement, also Grace Edwards who joins as a crew member. He went on to report additional funding of £1.3m from Defra but still awaiting further information and confirmation. He stated that's Defra's main priorities are with HPMA's and Fisheries Management Plans, once started the Authority will be heavily involved in the cockle FMP.

MMO has appointed a new officer to coordinate memberships Ms Leanne Tan, who should be contacted with any queries relating to member's appointments, he also reported that with the new Prime Minister there are some new ministerial posts. The Fisheries Minister is Mr Mark Spencer, Mr Richard Benyon as International Marine Minister, and Ms Anne Freeman Depute Director Defra.

The CEO concluded his report by reflecting on his 17 years' service and the many changes he had seen. He also paid tribute to his dedicated team of officers.

Councillor Markley paid tribute to Dr and Mrs Atkins. The Chair of the Authority had also requested his thanks to be formally recorded in his absence.

THE REPORT WAS RECEIVED

26 SCIENCE REPORT (AGENDA ITEM 10)

The Senior Scientist presented her report and in doing so thanked members of TSB for their patience and support in recent months for the various late requests and emails.

She reported that she would be attending the TAG Conference to be held in Jersey week commencing 10th October alongside Gemma Grose.

Key achievements since the last meeting was to conduct the consultation on the MLS of mussels. Seven cockle surveys were completed and nine mussel inspections.

Two HRAs had been conducted for seed mussel dredge fisheries at Perch Scar and South America together with hand gathered seed mussel fisheries at Heysham and Lytham.

The SS referred back to the TSB summary given by Mr Leigh detailing the consultation on MLS for mussels and the closure of Morecambe Bay cockle fisheries.

Cockle beds in the Ribble Estuary including Lytham and Foulnase were not of significant quantities to warrant summer surveys. Leasowe had been inspected and also found to have low stock levels compared to previous years and would not be a HRA compliant fishery.

Therefore it was resolved that the outstanding District cockle beds would also remain closed after the closed season under NWIFCA Byelaw 3 flexible permit conditions until 2023.

This year an early survey of Southport was identified as having the potential for a cockle fishery. The most recent survey estimated the biomass of cockles above the minimum size to be 1100 – 1200 tonnes, and undersized cockles estimated to be 1200 to 1300 tonnes.

The fishery has undergone a HRA which is awaiting approval by NE. In addition, the site is awaiting its shellfish hygiene classification which will likely come through in October. Proposals have been put forward to open the fishery on certain days and tides only. Mr Brown strongly opposed this course of action as did Mr Manning, who each felt that it would .

Science officers are developing proposals to discuss with industry and the TSB for a bid in the next funding round of the Fisheries Industry Science Partnership scheme (FISP) from November to January. The FISP scheme is a £10m government fund which seeks to improve data collection particularly for data limited species, enhance technical knowledge including gear selectivity and to better understand the ecosystem benefits and impacts of aquaculture.

The Authority is also planning to assist the Environment Agency in small fish surveys. The Chair commented on the impact this might have on officer resources. In response the Senior Scientist said it would only be for a maximum of two days and would be useful to use gear not previously utilised, and encourage joint working with partner organisations. She also reported that the Biosecurity plan had been updated and was available on the website. Mr Thompson reported that he had been working with other bodies towards a Biosecurity plan.

Mr Manning commented that there had been a large mussel spat settlement in Morecambe and he was asked to provide more precise location details so this can be investigated.

THE REPORT WAS RECEIVED.

27 PROPOSED HPMA ALLONBY BAY (AGENDA ITEM 11)

The Senior Scientist presented a paper on the proposed HPMA at Allonby Bay in the north of the District. She reported that she had recently alongside other officers attended the open meetings hosted by Defra in Maryport which were informative. The workshops detailed the process of candidate site selection using a range of ecological, social and economic criteria.

Attendees at these workshops had been invited to raise questions about the proposal and encouraged to submit both positive and negative comments. The online consultation had ended on 28th September and a summary of the responses would be reported in the coming months. It was not deemed appropriate for the Authority to make a formal response, other than with regard to enforcement issues, and individuals were best placed to reply to the questionnaire.

Officers in Whitehaven had engaged with potential stakeholders through informal conversations, and had promoted awareness of the HPMA questionnaire via posters in the local area.

It was felt highly probable that recreational, commercial fishing and bait digging could be prohibited within the HPMA. The Authority will be responsible for the enforcement of the area

as they are for the existing Marine Conservation Zone (MCZ) and a new byelaw would be needed. The authority has provided the consultation with relevant data required.

Mr Stainton felt that there was little science to back the proposal and the questionnaire had been biased, he also considered it went against the IFCA ethos of sustainable fishing. Mr Thompson queried if the area had been tweaked to accommodate an oyster farm, Mr Browning advised that there was no action on current oyster farms but no new one would be permitted.

Councillor Markley voiced his disappointment that the meetings had taken place in Maryport rather than Allonby Bay itself, he was also concerned on the impact of a ban on angling on the benefits of tourism.

Mr Lomax felt that the consultation process had been poor and it appeared that the decision had already been made, Mr Brown also voiced his disapproval of the project. It was strongly recommended that individuals submit their own responses as soon as possible.

THE REPORT WAS RECEIVED

28 ANNUAL PLAN MONITORING 22-23 Q1 (AGENDA ITEM 12)

CEO reported on the Annual Plan with 27 success criteria and 28 work streams. He raised the issue of lack of attendance by the Environment Agency at Authority meetings. The EA have recently appointed a new representative Mr Jonathan Turner and they have indicated that they would attend any future meeting where they were required to have an input.

CEO reported on the new glossy version of the Annual Plan and said that we were awaiting a new set of criteria from Defra, he also advised that the Annual Report was yet to be completed and there is a working group in place to move this forward. Both the annual Plan and Report needed to be available to present to the Authority at the December meeting.

29 REVIEW OF POLICIES AND PROCEDURES – NORTH WEST EMPLOYERS (AGENDA ITEM 13)

Members of the public were excluded from this item under Section 100A Local Government Act 1972

30 ANY OTHER BUSINESS

There was no further business

The Chair thanked members for their attendance and closed the meeting at 14.45pm,