

1 AT THE ANNUAL MEETING OF THE NORTH WESTERN INSHORE AND CONSERVATION
AUTHORITY HELD AT STONECROSS MANOR HOTEL 23rd JUNE 2022

PRESENT – MEMBERS

Councillor P. Williams	Cheshire West and Chester Council
Dr J. Andrews	MMO appointee (Marine Environment)
Mr R. Benson	MMO appointee (Commercial)
Mr R. Lomax	MMO appointee (Marine Environment)
Mr S. Brown	MMO appointee (Recreation)
Dr C Mihailovici	MMO appointee (Marine)
Mr N. Baxter	MMO appointee (Marine)
Mr. B. Leigh	MMO appointee (Recreation)
Mr S. J. Manning	MMO appointee (Commercial)
Mr L. Stainton	MMO appointee (Recreation)
Mr K. Thompson	MMO appointee (Commercial/Aquaculture)
Mr P Capper	MMO appointee (Marine Environment)
Ms C Salthouse	MMO appointee (Marine Environment)
Dr A Richardson	MMO appointee (Marine Environment)
Mr W Friend	MMO appointee (recreational)

IN ATTENDANCE

Mr M Diggle (member of industry)

NWIFCA OFFICERS ATTENDING

CEO, Head of Enforcement (HOE), Finance Officer, Senior Scientist, Clerk.

APOLOGIES FOR ABSENCE

Councillor A Markley	Cumbria County Council
Councillor M Wilson	Cumbria County Council
Councillor N Brookes	Blackpool Council
Councillor S Mountney	Wirral Council
Councillor S Clarke	Lancashire County Council
David Harpley	MMO appointee
Laurence Browning	Natural England

2 APPOINTMENT OF CHAIRMAN (AGENDA ITEM 1)

The Chief Executive welcomed members.

Nominations for Chair were received for Councillor Mark Wilson and Mr Phil Capper, Mr Phil Capper was unanimously elected to stand as Chair.

3. CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 2)

The Chair welcomed all present, and extended a warm welcome to Dr Andy Richardson a newly appointed MMO member. Following a unanimous vote he gave thanks to Councillor Paul Williams, the outgoing chair for his service on behalf of the Authority. He reported that a late item had been added to the agenda regarding Whelk MCRS. Members were reminded to disclose interests and sign the attendance register.

4. APPOINTMENT OF VICE CHAIR (AGENDA ITEM 3)

Nominations for Vice Chair had been received for Councillor A Markley and Dr J Andrews, Dr Andrews was unanimously elected as Vice-Chair.

5. DECLARATIONS OF INTERESTS (AGENDA ITEM 4)

Dr Richardson: agenda item 10 relating to Ocean Mind project,

Mr Manning: any item relating to commercial fishing.

6. MINUTES OF MEETING 24th MARCH 2021 (AGENDA ITEM 5)

RESOLUTION: TO ACCEPT THE MINUTES AS A TRUE RECORD OF THE MEETING

Proposed: Dr Andrews, Seconded Mr Leigh, all in favour.

7. MATTERS ARISING (AGENDA ITEM 6)

Mr Thompson requested that item 16 on the RPA review be brought forward so members can be more focussed on the discussion rather than at the end of a long meeting. The Finance Officer said the Chair of Finance and Personnel might be able to join the meeting later in the day. Having written the report it was important to give him the opportunity to speak. Discussion took place and the following resolution was arrived at in order to allow time for the Chair of Finance and Personnel to arrive at the meeting.

RESOLUTION: TO BRING ITEM 16 FORWARD TO FIRST ITEM AFTER LUNCH BREAK.

Proposed: Mr Thompson, Seconded: Mr Brown, 11 in favour, 2 abstentions, motion carried.

8. FINANCIAL REPORT (AGENDA ITEM 7)

With a new Chair elected the FO said she would now remove Cllr Williams as a bank signatory and add the new Chair Mr Capper. She gave a brief overview of the report and said that the surplus included the £121K which is set aside for the procurement of a replacement vessel.

Moore and Smalley had completed a 2 year audit, with only minor recommendations which were being actioned. They are due to return to conduct the audit for 2021-22 in September. Dr Mihailovici asked if there was any opportunity to develop more funding for the Authority by getting involved in research projects or chartering of the patrol vessel.

Cllr Williams again raised the issue of the non-attendance by council representatives and pointed out that if he were to leave the meeting early or had not attended the meeting would not be quorate and have to be abandoned. CEO said that Sefton, Halton and Liverpool councils have already said they would not be sending any representatives. Although this is disappointing, they still pay their levy.

RESOLUTION: TO RECEIVE THE REPORT. APPROVE THE DRAFT FINAL BUDGET FOR YEAR ENDING 31 MARCH 2022 AND APPROVE THE AUDIT REPORT FOR 2020-21

Proposed: Dr Andrews, Seconded: C Salthouse, all in favour, motion carried.

9. APPOINTMENT OF TSB SUB-COMMITTEE (AGENDA ITEM 8)

CEO reported on the ballot to elect members of the TSB sub-committee which had been conducted via email. The following members were appointed: Dr Andrews, Mr Leigh, Mr Brown, Mr Thompson, Mr Manning, Mr Baxter, Dr Richardson and Dr Mihailovici.

Members agreed to the appointments. No vote was recorded.

10 TSB REPORT FROM MEETING 10TH MAY 2022 (AGENDA ITEM 9)

TSB Chairman Mr Leigh reported. The proposed netting byelaw discussion covered a number of technical issues including net sizes and gear restrictions. There is still significant work on this draft byelaw required by officers. It will have three categories. The Senior Scientist had updated members on the new potting byelaw, which has since been signed off, and the process for whelk track record appeals.

The Byelaw Strategy Working Group had met to monitor byelaw development. Future byelaws are expected to include vessel sizes, gear marking and a district wide shrimp and prawn byelaw.

The survey and inspection report had updated members on the emerging biomass of mussel in a number of fisheries, work on bird food requirements and survival of stock over the winter period. Inspections had shown patches of undersize cockles at Southport. Commercial fishers present at the meeting raised concerns about the slow progress with classifications

The committee received a report written by Dr Andrews and Mr Manning on mussel MLS which outlined a request to reduce the minimum landing size from 45 to 40mm. Members agreed that that a consultation with stakeholders was required..

11 PATROL AND ENFORCEMENT REPORT (AGENDA ITEM 10)

Mr Baxter declared an interest relating to cross warranting. Dr Richardson declared an interest in OceanMind.

HoE summarised reports from officers around the district for the reporting period 1st February to 30th April.

The Authority had again received a silver award from the MoD in recognition of our commitment to supporting the military community, This is mainly due to IFCO Brownrigg who holds the rank of Major in the Royal Marine Reserves. The Authority grants special leave to IFCO Brownrigg, usually once or twice a year, for MoD activities. HOE reported that the Authority has four officers who are ex-military and it is our intention to work toward a gold award. It also recognises our support for the cadet services.

The OceanMind project is looking at developing new enforcement techniques for use in marine protected areas, in the North West we are looking at the use of drones to assist officers in enforcement at sea.

Cross-warranting was raised some years ago but did not proceed. It has, however, become increasingly apparent with the amount of activity especially around the Heysham Bass Nursery and the Wirral area that cross warranting is needed. Discussions with Lancashire Constabulary wildlife crime officers, who assist with IFCA enforcement are planned. Our aim is to cross warrant them with IFCO powers enabling them to deal with offences detected without the need for an IFCO to be present. This might also be possible on the Wirral. Officers are also regularly assisted by CNC the civic nuclear constabulary at Heysham. Mr Leigh said that any avenues that can assist with enforcement should be investigated further and supported the initiative.

Following previous discussions regarding the replacement for Protector Bravo, officers have discussed a revised specification, and recommend procurement of a circa 8.5m catamaran vessel. North West Protector will continue with the enforcement work she already carries out lifting heavy gear in the district while the new vessel will assist in lifting lighter gear set closer to the shore. HoE acknowledging the change from previous discussions and said the new

specification was more in line with needs and budget. Final recommendations will be brought to a future meeting of Finance and Personnel, prior to seeking approval by the full Authority.

Councillor Williams asked about the disposal of the old vessel and sought assurance that the best value is achieved. Finance Officer replied in the affirmative but said we were some distance away from that at present. CEO reported that an email vote among members on disposal of the old vessel had shown a majority in favour of donating the vessel to the Sea Cadets in Whitehaven in preference to sale. . An offer had been made and accepted. Members expressed concerned that this may not achieve best value for the Authority and requested a policy clarification to ensure in future best value was achieved when assets are disposed of.

RESOLUTION: PROCEED WITH DONATING VESSEL TO SEA CADETS. REVISIT POLICY ON DISPOSAL OF ASSETS TO ENSURE BEST VALUE IS ACHIEVED FOR THE AUTHORITY.

Proposed: S Manning, Seconded: Councillor Williams, 9 in favour, 5 abstentions, motion carried.

HoE reported IFCO Sirkett has recently completed a NEBOSH course and would be assuming more responsibility for H&S policy.

Byelaw 3, cockle and mussel permits, Byelaw 2 North Wirral Foreshore and Byelaw 4 Potting had been signed off by the Secretary of State on the 7th June. Officers were working hard to implement these new byelaws. Unfortunately Byelaw 1 Minimum Conservation Reference Sizes has been returned by MMO for further amendment and re-wording. The issue is with the MMO legal team and not the MMO Byelaw Team holding progress. Ms Salthouse wanted to clarify that the MMO do have deadlines that they must adhere to, HoE said that there were no apparent repercussions for not meeting these. It was reported that there had been one successful prosecution for offences at Heysham which resulted in a fine of £220, £950 in costs and £34 victim surcharge.

Resolution: TO RECEIVE THE REPORT

Proposed: Dr Andrews, Seconded: Dr Richardson, 13 in favour, 1 abstention, motion carried.

Resolution: TO APPROVE HoE PROGRESSING DISCUSSIONS ON CROSS-WARRANTING

Proposed: Mr Leigh, Seconded: Dr Mihailovici, 13 in favour, 1 abstention, motion carried.

Break for lunch 12.45 – 13.15pm

12 FINANCE & PERSONNEL COMMITTEE 24TH MAY UPDATE ON REVIEW OF GOVERNANCE, POLICIES & PROCEDURES (AGENDA ITEM 16)

IT WAS RESOLVED MEMBERS OF THE PUBLIC SHOULD BE EXCLUDED FOR THIS ITEM.

Mr Diggle, member of industry, was invited to speak. He raised concerns over cockling in the Dee Estuary, stating there are five large cockle beds, three of which are accessible from the

Welsh shore and two from the Wirral, he holds a permit that covers the NWIFCA district, but asked how devolution affects where he can fish under which permit. HoE and the Chair said that the Welsh beds may belong to E.A. England but responsibility for their management was handed over to the Welsh authorities under the terms of the Dee Fishery Order. HoE said the licence was a Dee Cackle Order Licence, for which there was a waiting list. Mr Diggle remained unsatisfied with the responses given, and also raised the issue of enforcement at Leasowe. HoE explained that the new byelaws was in force and sanctions would be proportionate if offences were detected.

13 CHIEF OFFICER'S REPORT (AGENDA ITEM 11)

CEO welcomed Dr Richardson, reported that MMO appointee Mark Taylor had now left MMO. We await the appointment of a new MMO representative. IFCO Thompson had resigned his post earlier in the year.

A significant increase in the IFCA budget this year from Defra of £1.65m has been announced of which NWIFCA expects to receive £165K above planned budget, DEFRA have not as yet specified what they expect to see this extra funding spent on. The New Burdens funding has been extended in to 2022-3 and is likely to continue for a further 2 years.

An article was published in the Guardian Newspaper regarding HPMA's (Highly Protected Marine Areas) saying that Allonby Bay in the north of the district had been identified as a possible site and there would be further consultations. Mr Leigh commented that the Angling Trust is now a statutory consultee in relation to sea fishing policy and they are arguing that it is not a condition precedent for HPMA's to ban recreational fishing.

Ms Salthouse referred back to the Irish Sea Conservation Centre Project and a series of reference zones in which Allonby Bay was a potential reference area. Mr Stainton declared his interest in this item but added that this area sees no commercial fishing but is well frequented by recreational anglers and could see no conservation reasons for the proposal. Mr Stainton also raised the issue of the enforcement burden on the Authority and the likelihood of a new byelaw being needed.

There will be new processes for the annual job review for MMO members. Details not available yet.

The Authority has been asked to lead on the new Fisheries Management Plans regarding cockles and will probably be seconding on the mussel plan. The sea bass plan is also being developed and the efforts we have made in complaining about this issue have been noted. Dr Andrews pointed out that the Authority very nearly had a mussel plan of our own agreed and we also have a draft cockle plan.

Dr Andrews said the links to Association papers etc. contained within the report were not working, CEO agreed that these papers would be re-circulated as soon as possible.

RESOLUTION: TO RECEIVE THE REPORT

Proposed: Dr Andrews, Seconded: Mr Leigh, unanimous.

14 SCIENCE REPORT (AGENDA ITEM 12)

The Senior Scientist presented the report. This quarter the priorities for the team were to carry out work that had been resolved at the last meeting of TSB. The cockle and mussel survey schedule had begun. a lot of work had been done on the potting byelaw, permits and administration, whelk track records and dispensation requests.

Cockles and mussel inspections included Heysham mussel beds (x2), South America (x2) and the Wyre.

TSB had requested a consultation on lowering the mussel minimum landing size. TSB had approved the questionnaire. Dr Andrews asked if TSB members had responded to the email regarding the consultation and Mr Leigh said he would send a reminder email out after the meeting.

Cockles; Southport has been inspected twice and surveyed once and will be surveyed again as will Pilling. There is potential for a fishery at Southport and Environmental Health have been contacted regarding classification.

Mr Manning again raised concerns about mussel fisheries, Foulney in particular size mussel and provision for bird feed. The concerns had been previously raised at TSB.

The Senior Scientist then reported on an urgent late agenda item regarding the minimum sizes for whelk. The purpose was to reinstate the MLS for whelk into the flexible permit conditions of Byelaw 4 and remove it from Byelaw 1 MCRS. It was previously resolved at the November TSB to increase the MLS for whelks from 55mm over three years to 75mm, and to include the MLS in Byelaw 1 instead of Byelaw 4, to avoid duplication of regulation across different byelaws under MMO's request. However, due to the delay in the signing off of Byelaw 1, and Byelaw 4 now active, it was necessary for an MLS to be in place.

Mr Brown raised concerns that there needed to be an agreed national size as there is a fishery that is working both inside and outside the district which would make enforcement difficult, Mr Stainton agreed reporting that at Whitehaven a lot of whelk landings were Irish boats bringing in whelks fished outside our area. Senior Scientist accepted that there will be fishing which spreads across boundaries but with VMS the MMO know where people are fishing.

Dr Andrews raised the question of rescinding a resolution within a six month period. As the resolution was made on November 2nd, we are now outside that period.

RESOLUTION 1: TO RECEIVE THE REPORT AND TO REINSTATE THE WHELK MCRS INTO THE FLEXIBLE PERMIT CONDITIONS OF BYELAW 4 AND REMOVE FROM DRAFT MCRS BYELAW.

Proposed: Mr Leigh, Seconded Dr Richardson, 9 in favour, 2 against, 3 abstentions, motion carried

15 ANNUAL PLAN 2021-22 Q4 MONITORING (AGENDA ITEM 13)

CEO presented the Annual Plan reporting that the monitoring columns were up to date.

Mr Leigh enquired about DEFRA changing the data they require us to report on, CEO answered that he waiting for a report on new performance indicator criteria, and this would be circulated when available.

Mr Leigh referred to the Annual Plan Working Group saying it was designed to create a new plan format, make reporting more relevant to our Authority and include DEFRA requirements. Dr Andrews said there had not been a meeting of the working group recently and suggested one be arranged. Mr Brown commented on the new 'glossy' plan and felt it much more inviting to read. Dr Andrews formally acknowledged the work done by HoE, Senior Scientist and Mr Graham, and felt a magnificent job had been done.

RESOLUTION: TO FORMALLY THANK OFFICERS INVOLVED IN THE WORK THEY HAVE DONE TO PRODUCE A SUPERB NEW ANNUAL PLAN DOCUMENT.

Proposed: Mr Brown, Seconded: Mr Leigh, unanimous

16 ANNUAL PLAN 2022-23 (AGENDA ITEM 14)

Much of this was covered in the previous item. CEO suggested that the working group also take ownership of producing a new Annual Report. Dr Andrews agreed that the working group would discuss this at their next meeting.

17 ANY OTHER BUSINESS (AGENDA ITEM 15)

Dr Andrews raised the point about members of the public being allowed to attend meetings and speak about issues relating to their interests saying members of the Authority are bound by rules which prevent them from speaking as freely as they might wish. It appears that being a member of the public can have more influence on proceedings than being a member, which he felt was wrong. Mr Leigh said it was the role of the Chair to ensure that debate was both appropriate and proportionate. We do need public participation, albeit on stated terms. Referring to members, he again raised the issue of dispensations which has been discussed several times. The Finance Officer reminded members of their obligation to declare any interests prior to speaking on an item.

Senior Scientist felt it important that there was public participation as they may bring something new to the debate.

Mr Leigh also reminded members who are not a member of TSB that they can attend and speak but not vote. CEO felt it would be a good idea to return to having more consultation meetings with stakeholders where everyone's views can be taken into account.

Mr Stainton asked if the uplift in expenses as agreed at the last meeting had been implemented, Finance Officer confirmed that it had.

Dr Andrews raised the problem of non-attendance by council representatives and asked what could be done. CEO replied there are attendance records in place but no action had been taken so far.

The Chair thanked everyone for attending and the meeting ended at 16.20pm