

NWIFCA Technical, Science and Byelaw Committee

11th August 2020: 10:00 a.m.

Agenda
Item

5

NWIFCA Technical, Science and Byelaw Committee:

12th May 2020: 10:00 a.m.

Note of Meeting Held Virtually by Zoom

Present at the meeting:

Members:

Brian Leigh
Rob Benson
Jim Andrews
Emily Baxter - Chair
Kelsey Thompson
Trevor Jones - Vice Chair
Paul Williams
Steve Brown
Steve Manning (joined later)
Dan Wardle (MMO)
Liz Hopley (Natural England substituting for Mark Johnston)

Officers:

Anthony Graham, Joe Moulton, Mandy Knott, Stephen Atkins, Cath Dobson, Jon Haines

Apologies:

Ron Graham, Mark Johnston

The committee extended its best wishes to Ron Graham and his family at this time.

Streaming started on YouTube 10:04 am

First virtual meeting

1. Announcements & video conference protocols

Chair began by thanking members for attending this zoom meeting and supporting this approach for the NWIFCA to continue business as best as possible. The meeting was live streamed on You Tube and recorded and minuted.

There were several late agenda items, 7, 8 & 9. Submitting them late does not follow protocol, but as the Chair considered them a matter of some urgency, she wished them considered at this meeting. She made reference to the Standing Order "unless the Chair special circumstances" and that she considered Covid-19 and working pressures were special circumstances and that the Byelaw Review and Science Report had recently been circulated by CEO.

2. Following acceptance of the minutes of the previous meeting with some amendments, actions from the last meeting were discussed:
 - i. Vessel length, and shrimp and prawn byelaw paper drafted by SB had been circulated to officers. Comments had been received from two officers;
 - ii. meeting which was to be held with IFCOs about the netting byelaw had been postponed due to covid restriction but could now be actioned;
 - iii. Chair reiterated the need for good practice in communications between Members and Officers in responding to emails with at least an acknowledgement of receipt;
 - iv. SA reported he had followed up on EA and NRW byelaws after the TSB meeting.

A question was raised about Clerk Irene Andrews leaving. SA said he had reported this in papers for March meeting and had been going to make announcement at that meeting. Will be recruiting in due course. Will invite her back when we hold a face to face meeting to give everyone opportunity to say good bye. EB - card from TSB with a line from each member to say thank you. Chair to send flowers on behalf of all members.

3. Matters Arising (including Chair's Summary of Actions)
 - i. Discussion around making decisions through virtual meetings and the Statutory Instrument.
 - ii. Discussion around change to covid restrictions allowing recreational angling to resume and need to get on with making the MLS / MCRS byelaw.

CEO stated that the SI says we have to carry out meetings properly or members of the public, partners etc, may say that the meeting has not been carried out properly and may lead to a judicial review. There is a risk we could be found to not have carried out our duties properly, and that Councils are not even doing this. PW mentioned his Council is carrying out meetings this way and that Planning and Licensing committees working as normal. EB stated if meetings are advertised then the public can be included. She also said we could be open to a legal challenge if we do not make byelaws, particularly from fisher stakeholders. PW stated that he could get some advice from his Council and forward to Members before spending money on legal advice.

Proposed Kelsey Thompson, seconded by Trevor Jones. 7 agreed 1 abstention.

- iii. BL asked what was the process for making the byelaws. SA said both MCRS and potting byelaws were at the stage to be made at June meeting if it is going ahead virtually. JA - for a judicial review a challenge would have to be made within 90 days of the byelaw being made. Formal consultation for the potting byelaw had taken place and changes were made to the byelaw according to consultation responses.
4. Survey and Inspection Report was tabled for information with updates on stocks of cockles & mussels. The SS said she will organise a BMWG meeting by Zoom to discuss.
5. District Fisheries Feb – April 2020

HoE gave a brief update on what has been going on:

 - i. working on protocols and practices
 - ii. cockle and mussel fisheries have continued, but with Covid initially a dip in effort due to transport and social distancing issues, cockles have seen a change in markets with a rise in effort towards approach of closed season
 - iii. commercial fishers deemed as key workers
 - iv. a few staffing & enforcement issues

- v. recreational fishing – not included as an exercise – increased in Cumbria and police have cracked down on this and has stopped; Heysham Power Station CNC police dealt with activity at the power station
- vi. District's fishing fleet - most of Cumbrian fleet tied up immediately – crewing/sickness/self isolation kept vessels in port; whelk boats have been stable and no change in effort for those vessels. Change of ownership in Fleetwood market - no market here for them to land to although boats wanted to go out. Fishery funds have been released now after concerns for fleet in the northwest. SE and SW fleets recovered but our fleet not fishing. NI prawn boats out but not landing here. Bass have started showing and commercial boats have started and getting good landings. IFCOs reports and industry reports.
- vii. IFCOs self isolating have been carrying out the nationally accredited training course. Some IFCAs have had no patrolling presence. No maritime assets at the moment due to issues with social distancing. Shore based officers keeping intel updated.

NWIFCA carrying out on-going shellfish sampling with LAs.

6. Virus Restrictions and Home Working

CEO had presented a report on NWIFCA work during Covid restrictions.

BL stated this report should be shared with full meeting in June. Also asked whether Covid Risk Assessments had been shared with an H&S expert, and that as an employer it was important to be confident that measures were right to protect our staff. HoE stated they had been developed using the nationally structured RAs and government guidelines.

7. Byelaw Review

Discussion took place over it being inappropriate for members to table papers, and so this paper had been tabled by CEO. Chair had scheduled meeting in March as agreed at last TSB but had to be cancelled. Lack of progress since. She had circulated by email a list of questions that would have been addressed at that meeting and asked for comments and circulated papers that were requested. She received some initial comments from HoE and CD but nothing further from officers on second phase of Byelaw Review. SA said he has followed up on EA / Dee byelaws but we've received nothing back.

Loss of momentum. Meeting to be re-convened, and report to the June Authority meeting. EB agreed to re-action to organise meeting with screen share.

SA had spoken to LA standards person who said there needs to be a clear definition between duties of Members and Officers for protection to members against legal action. Perhaps we have blurred the separation.

JA - wholeheartedly agrees that officers should write reports and Members decide on them. Refers back to previous occasions when Members have asked for something to be on the agenda and been told that they should write the report. Now we have established this that we get on with Byelaw Review.

BL agrees with Scheme of Delegation etc. Politicians and senior officers work closely together to draw up policy, plans etc. There is some difference. Some Members have interest in some areas and quite right that they do not present reports. Members there for their expertise and experience. Terms of appointment of Members are different from LAs. PW pointed out that the constitution was produced by BL.

EB said she was not happy that information she had provided was not being included or being inaccurately included in reports.

EB thanks SB for this papers and said it was very useful knowing where the measures had come from etc.

Discussion on shrimp riddling: SS asked what purpose does it serve in a byelaw if riddling kills most shrimps, as stated by SB. It's not a conservation measure more of a sorting practice by fishermen. She would like to do some reading around this and see what other IFCA's have in their byelaws. Riddling into shallow water so any that do survive don't get eaten by gulls might be a sensible measure. SB said the MLS byelaw was the crucial thing to have over fish by-catch.

Proposal to continue with format used previously of meeting between TSB Chair and Vice Chair and Officers to take outputs to full Authority .

Proposed - Trevor Jones. Second - Kelsey Thompson. Vote - one abstention. All others in favour.

8. Science report was tabled for information

No questions.

9. AOB

General comments that virtual meeting worked very well and enthusiasm to hold future meetings this way.

Meeting ended: 12:20

ACTIONS:

Action	Person to Action this	By When?
Meeting with IFCA's over netting byelaw	Joe Moulton	ASAP
Improve communication between all and respond / acknowledge emails	All Officers and Members	On-going
Card to Irene Andrews	Emily Baxter as Chair of TSB	Once lines from Members received
Flowers to Irene Andrews	Paul Williams as Chair of NWIFCA	As soon as Irene's address received
Send a line of text for the card to Emily	All Members of TSB	ASAP
Set up Byelaw review Group meeting with screenshare	Emily Baxter	In next couple of weeks
Seek advice on conducting virtual statutory meetings from council	Paul Williams	ASAP
Depending on outcome of above seek legal advice on making byelaws at virtual Authority meetings	Stephen Atkins	ASAP following Paul's information