

29 AT A MEETING OF THE NORTH WESTERN INSHORE AND CONSERVATION AUTHORITY
HELD AT TRUCKHAVEN, CARNFORTH, 21st March 2024

PRESENT – MEMBERS

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|------------------|-------|---------------------------------|
| Mr. P. Capper | Chair | MMO appointee |
| Cllr. A. Markley | | Cumberland Council |
| Cllr. G. Davies | | Wirral Council |
| Cllr. H. Deynem | | Cheshire West & Chester Council |
| Mr. N. Baxter | | MMO appointee |
| Mr. S. Brown | | MMO appointee |
| Mr. S. Manning | | MMO appointee |
| Mr. L. Stainton | | MMO appointee |
| Ms. C. Salthouse | | MMO appointee |
| Mr. B. Leigh | | MMO appointee |
| Mr. G. Pidduck | | MMO appointee |
| Mr. R. Donnan | | MMO appointee |
| Mr. D. Williams | | MMO appointee |
| Mr J. Turner | | Environment Agency |
| Mr. S. Johnston | | MMO |

IN ATTENDANCE

| | |
|-----------------|---------------------|
| Emma Westling | DEFRA |
| Angus Naylor | DEFRA |
| Mr. M. Rowlings | Members of Industry |

NWIFCA OFFICERS ATTENDING

| | |
|---------------|------------------------|
| M. Taylor | CEO |
| J. Moulton | Head of Enforcement |
| A. Plumeridge | Head of Science |
| A. Brownrigg | Senior IFCO |
| L. Loud | Science Officer |
| A. Nicholson | Head of Administration |
| S. Reid | Administration Officer |
| C. Silverwood | Administration Officer |

APOLOGIES FOR ABSENCE

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|---------------|---------------------------------|
| Cllr. J. Boak | Westmorland and Furness Council |
| Mr. R. Lomax | MMO appointee |
| Mr. W. Friend | MMO appointee |
| Mr. T. Jones | MMO appointee |

30 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 1)

The Chair welcomed everyone to the meeting, including Councillor Hugo Deynem representing Cheshire West and Chester Council, Mr Daniel Williams, the newly appointed MMO appointee, Catherine Silverwood and Stephanie Reid, the new Administration Officers who are based in Carnforth, Senior IFCO Andy Brownrigg and Emma Westling and Angus Naylor representing DEFRA.

The Chair informed the committee Mr. Trevor Jones had been reappointed to the Authority but had sent his apologies for this meeting. He reported that Dr. Mihailovici had resigned from the

Authority due to other commitments, he thanked Dr. Mihailovici for her time and contributions during her tenure.

The Chair reminded members to sign the attendance register and complete declarations of interest slips if required.

31 DECLARATION OF INTERESTS (AGENDA ITEM 2)

Mr. G. Pidduck item 15 and Mr. S. Brown item 9.

32 MINUTES OF MEETING 7th December 2023 (AGENDA ITEM 3)

RESOLUTION: THE MINUTES BE APPROVED

Proposed: Cllr. Markley Seconded Mr. L. Stainton, all in favour, carried

33 MATTERS ARISING (AGENDA ITEM 4)

There were no matters arising.

34 FINANCE REPORT (AGENDA ITEM 5)

The CEO presented the Financial Report provided by the accountant for last full quarter, to the end of quarter three for this financial year. The CEO reminded the committee that the budget figures were based on estimates which had been put in place before his appointment and a new budget format had been agreed for the new financial year. The CEO gave more information on over expenditure on employees and an underspend in garaging and transport. The CEO, along with the accountant expected that there would be a slight underspend for the 23-24 financial year. The CEO provided more information with regards to the reserves which will decrease due to the replacement of capital assets.

Mr. Leigh questioned the CEO about the total expenditure variance. The CEO responded that the variance was due to capital depreciation. Mr. Leigh asked if the Authority would be in a healthy position going forward despite increased costs. The CEO assured the committee that the Authority is in a good financial position due to extra funding, the council levy increases and a decrease in building and vehicle maintenance costs. The CEO gave further information about how the reserves will be spent on replacing vehicles and RIBs.

Mr. Manning questioned the CEO on if the Authority had a dedicated financial officer. The CEO explained that the Authority employs an accountant with Alison Nicholson working as an internal financial officer who liaises with the accountant. HOE gave further explanation that the Authority had received audited advice on the need to employ an external, independent financial advisor.

Mr. Johnston asked the CEO about the operational lifespan of North Western Protector. The CEO responded by explaining that he thought the lifespan would be at least five more years. Further explanation was given to monitoring the cost and outputs of North Western Protector in its first fully operational year.

RESOLUTION: TO APPROVE THE FINANCIAL REPORT

Proposed: Mr. B. Leigh, Seconded: Cllr. Markley, all in favour, carried

35 TSB SUMMARY 6TH FEBRUARY 2024 (AGENDA ITEM 6)

Mr. Leigh gave a verbal summary of the 6th February TSB Meeting. For the information of new colleagues and members Mr. B. Leigh explained that TSB stands for Technical, Science and Byelaw Sub-Committee. Further information was given about the type of items covered but the sub-committee. Mr. Leigh said that several agenda items had been discussed at the February meeting including a draft netting byelaw being brought to the TSB in May, drone usage by the Science Team to aid mapping work and access areas which are difficult to access by foot and the work which is being undertaken with the association of IFCAS on a National Cockle Plan.

Information was given on the whelk minimum landing size and the byelaw currently includes flexible conditions which will see the increase in the minimum landing size of whelks. The Science Team is working on gathering evidence to support an increase in the minimum landing size beyond 65mm.

Mr Leigh said that there had been long discussions on the definition of a seed mussel and on mussels which are classed as ephemeral. A definition has been put together and a survey protocol has been established.

There were no questions from members.

The HOS added more clarification on whelk minimal landing size. Some data had been collected last year however industry had been concerned about the minimum landing size increasing from 65mm to 75mm. The HOS said that they do not have enough evidence to increase the minimum landing size of whelks, and this had been suspended temporarily while more evidence is gathered from across the district.

RESOLUTION: TO ACCEPT THE REPORT

Proposed: Mr. J. Turner, Seconded: Cllr Markley, all in favour, carried

36 EXTRAORDINARY TSB SUMMARY 6TH MARCH 2024 (AGENDA ITEM 7)

Mr. Leigh gave a verbal report on the extraordinary TSB meeting held on 6th March. The meeting considered the proposal of a change to the cockle open season. A majority of stake holders were in favour of trialling a change to the cockle open season for 1 year. Mr. Leigh explained Flookburgh would be surveyed in April and if the cockles were of sufficient size biomass then officers would progress to surveying the other beds. The process was set out in the resolution. The trial will be monitored closely.

The reasoning behind the change was discussed. Cockles have a higher meat content during the summer months therefore the market value will be higher. The proposal came forward due to the negative impact from leaving the EU on the live cockle market.

Mr. Leigh said that the proposal will balance conservation and the needs of the coastal communities who are involved in cockle fishing. Therefore, the proposal was carried forward.

Further discussion continued with questioning from Cllr. Deynem and Mr. Manning about the breeding impact of a change to the open season and if the Authority is primarily a conservation Authority. HOS responded by explaining the changes would not impact the cockles growth or breeding and how the changes would put the Authority in line with fisheries in other areas. Mr. Capper reminded the members that we are a fisheries and conservation authority and a balanced approach was required.

RESOLUTION: TO ACCEPT THE REPORT

Proposed: Cllr Deynem, Seconded: Cllr Markley, all in favour, carried

37 PATROL AND ENFORCEMENT REPORT (AGENDA ITEM 8)

The HOE referred to his report for further information on individual patches. A highlight had been an increase in joint working with the EA. The drone was used in a joint operation to investigate the fishing of elvers.

The HOE reported on staffing changes. A new level of senior IFCOs, with management duties have been employed, improving enforcement across the district.

The HOE reported that North Western Protector had been on patrol and all vessel maintenance and services were up to date.

Since the last Authority meeting Staff have completed conflict resolution training, personal survival techniques, fire fighting and ATV training. Five officers attended the Competent Officer training course in Torquay and have gained warranted officer status.

Members were told that there was nothing to report on Health and Safety apart from workstreams have started to transition from Cath Dobson to Catherine Silverwood.

The netting byelaw working group has drafted a process which will be presented to the TSB sub-committee. Agreements have been made on the temporal/spatial closures, removal of provision for whitebait filter nets and a definition of Flue netting. Officers are conducting an informal consultation with stakeholders to assist in expediting any issues during the formal consultation after the Byelaw is made.

The HOE referred to his report on Medical Exemptions which came into effect in November 2023. The changes have been brought about by the Maritime and Coastguard Agency and has impacted some of the members.

The annual Bass Regulations change has occurred and reflects the national approach to bass fishing. HOE referred to his report for more details.

The HOE updated members on Penfold cockle fishery. Officers have covered almost all the open tides including monitoring a cold spell in December. HOE stated that there are still issues with the current permit database and the figures reported from the fishery. However, officers have now discovered that the problem is likely due to how online forms are being entered and permit holders will be informed of the findings.

The HOE said that it had been a very quiet period for sanctions and infringements. He referred to his report for intelligence reporting, shore-based activity and maritime patrols and statistics.

Further discussion took place on the netting byelaw and the need to rationalise byelaws to standardise the regulations across the district. HOE said that bringing in new restrictions on fisheries was not the goal and evidence would be required if new restrictions were required. The aim of the new byelaw is fairness and to create a balance across the district. The CEO explained that the byelaw would be a rationalisation of the current byelaws and an opportunity to better regulate fishing in the district. He acknowledged that in some areas of the district there may be some additional regulations put into place.

Mr. Pidduck asked if the consultation meeting which was due to take place at Rampside Village Hall had been rearranged. HOE confirmed that the consultation had been moved to

Wednesday 3rd April. Councillor Davies requested for councillors to be informed if an event was happening in their areas as it would be useful for both parties. HOE agreed and CEO said that moving forward Councillors would be explicitly invited to meetings and events in their areas.

Mr. Pidduck enquired about the progress of Byelaw 26, Beach Netting. HOE reported that the byelaw has been drafted and will be presented to TSB and full authority. Discussion took place around planned facility for 26 commercial shore-based bass bycatch nets.

Mr. Manning commented on the removal of whitebait filter nets on Page 7 of the HOE report. HOE said that this would be proposed at a TSB meeting and it would be discussed further. Flue netting will also be discussed at the TSB meeting after the netting consultations are concluded. Mr. Brown explained that whitebait fishing would not meet the minimum landing size regulations.

The Chair questioned the HOE on the Byelaw 3 returns. HOE reiterated that it was due to issues with the database and the transition between the old and the new database.

THE REPORT WAS RECEIVED

Proposed: Mr. Baxter, Seconded: Mr. Stainton, all in favour, carried

38 SCIENCE REPORT (Agenda Item 9)

The HOS welcomed Lucy Loud to the meeting. Much of its content has been reported on within items 6 and 7.

The key updates include the new permit database, completion of the HRA for drone use, the consultation on the cockle open season, assisting Natural England with surveys of the Allonby Bay Highly Protected Marine Area, spot checks for cockles across the district and six consultations this quarter and one dispensation.

Cllr. Markley gave an update on the Allerdale GDF stating that all surveys and reports had finished at this site. The surveys and reports concluded that this was not a suitable site.

Mr. Brown declared his interest in this item and asked about the consultations on Blackpool Beach Management. HOS said that she would contact him with an answer to his queries.

Further discussion continued on Byelaw 3 and flexible permits. HOS explained that more data and samples were required to decide on a minimum landing size for whelks. Mr. Johnson referred to the previous TSB meeting and the worry that the minimum landing size for whelks would default automatically to 75mm. CEO explained that the authority has 14 months to make a decision and it will be reviewed at the February 2025 meeting at the latest.

The enforcement of Allonby Bay was discussed. HOS explained that the byelaw has been sent by the MMO to the Secretary of State. Mr. Stainton felt that miscommunication had occurred between IFCOs and fisheries with regards to Allonby Bay. CEO said that information would be reiterated to officers.

The bird food model was raised by Mr. Manning, who wanted further clarification on the model. HOS explained that hopefully a researcher from Bournemouth University could attend a TSB meeting to explain and discuss the model.

Mr. Rowlings requested for the Flookburgh cockle sample to be moved to May. HOS explained the reasons for the sample timeline, therefore the sample must remain at the end of April.

THE REPORT WAS RECEIVED

Proposed: Mr. Leigh, Seconded Cllr Markley, all in favour, carried

39 IFCA VIDEO (AGENDA ITEM 14)

CEO introduced the draft IFCA video and asked for feedback.

Ms. Salthouse suggested the text colour is changed from orange as the text was getting lost in the graphics.

Mr. Leigh felt that the video should be shown to Local Authorities to illustrate the work done by IFCA's.

40 CHIEF EXECUTIVE OFFICER'S REPORT (AGENDA ITEM 10)

CEO presented his report for information.

He welcomed Mr. Jones back to the Authority and Mr. Williams to his first meeting. The CEO thanked Dr. Mihailovici and Mr. Harpley for their contributions to the Authority during their tenure. There is now one member vacancy on the Authority.

CEO reported the Health and Safety Policies are being reviewed by Catherine Silverwood. Cllr. Deynem felt it would be helpful for a health and safety report to be presented at quarterly meetings. The CEO agreed that he would present a separate Health and Safety report at quarterly meetings going forward, starting at the Authority's AGM in June.

In relation to finances the CEO referred to Item 5, the Financial Report. The Finance & Personal Sub-Committee agreed the 21% increase in council levies and notification has been sent out.

Ownership of the Whitehaven office was discussed, and the CEO explained that although we have some records which would suggest that the Authority owns the office, it is not a formal paper trail. Further discussion took place in relation to the building ownership and the lease. Mr. Leigh suggested that the solicitor produces an advice note for the Finance & Personnel Sub-Committee to explain the legalities in regard to the ownership of Duncan Square.

CEO reported that the Whitehaven office is having electrical issues and the building has been condemned. The staff in Whitehaven are working at home until the property is safe. The work required would cost in the region of £7,000-£8,000. Discussion took place regarding why there is a need to acquire a new office in Whitehaven. CEO reported on the potential new property. A rental agreement will be taken to finance and personal committee and then full Authority. Cllr. Deynem questioned the CEO on the process of acquiring a new property and its auditability. The Chair explained the process of how the Authority acquires assets such as property, vessels and vehicles and how the CEO had been instructed to pursue a potential new property for Whitehaven at a previous meeting of the Finance & Personnel Sub-Committee in 2023.

North Western Protector is back online and operational. Protector Bravo has been sold for £10,000.

CEO offered a formal welcome to Stephanie Reid, Catherine Silverwood and Lucy Loud. He wished Cath Dobson well for her retirement after 34 years of service.

In relation to communications, there are three key areas: the 20th anniversary of the Morecambe Bay cockling disaster, the consultation for our proposed earlier cockle opening season and the consultation for the draft netting byelaw. The CEO thanked the members of the Byelaw Working Group who assisted with the content for the new netting byelaw. Moving forwards the CEO would like the group to focus on looking at the wider byelaw strategy.

CEO reported that there has been a great deal of work on external engagement. This includes working with other IFCA's and sharing best practice. CEO reported visiting numerous stakeholders including Newbiggin Shellfish and the mussel seed dredge fishery in Bangor. Furthermore, a meeting has taken place with the Marine Stewardship Council regarding MSC certification. Members felt that the accreditation would be an advantage, and this should be pursued.

THE REPORT WAS RECEIVED

Proposed: Ms. Salthouse, Seconded: Mr. Baxter, all in favour, carried.

41 DRAFT ANNUAL PLAN (AGENDA ITEM 11)

CEO referred to the draft Annual Plan which was circulated to members on 8th February 2024 for consideration and feedback. CEO said he had received some positive comments but no suggested amendments from members. CEO summarised the key points of Annual Plan and said that Mr. Jones would need to be added to the list of members.

Mr. Leigh suggested using a traffic light system to report the progress towards specific outputs to make the reporting more meaningful. Furthermore, staff appraisal targets should be informed by the Annual Plan. CEO agreed with Mr. Leigh that a traffic light system would be appropriate for the Annual *Report* and gave further explanation on the appraisal system.

Mr. Pidduck commented on the review of the Byelaw 3 waiting list. CEO explained to members that the Authority is refreshing its Byelaw 3 waiting list and explained the process. Mr. Leigh raised a point on how many current permit holders are actively prosecuting the fishery. Mr. Manning feels that the Dee Fishery licence scheme should be imposed on the Byelaw 3 waiting list. Cllr. Deynem wanted to formally support the need for correspondence to people who are on the waiting list and to inform them of their placing on the list. Furthermore, he would support a review of Byelaw 3. Further discussion took place around the review of Byelaw 3 and the timescale. The Chair suggested that the Authority look at the results of the Byelaw 3 waiting list survey before any decisions are made.

Mr. Manning referred to Page 3 of the Annual Plan drawing attention to sustainability.

The CEO said if the Annual Plan was agreed it would be sent to digital printers to make a final digital copy. Cllr. Deynem requested sending copies to Local Authorities to share in forums and meetings.

Proposal: To Approve the Annual Plan

Proposed: Mr. Brown, Seconded: Mr. Manning, all in favour, carried.

42 NWIFCA ENVIRONMENT POLICY (AGENDA ITEM 12)

CEO referred to the draft Environmental Policy. He explained that it is a broad high level statement which sets out what the Authority is going to do to improve its environmental impact.

Discussion took place around the draft Environmental Policy and suggestions were made. The Authority felt that the policy needs reviewing with auditable figures, percentages and timeframes. It was recommended that research should be done into other companies and other IFCA's Environmental Policies. Cllr. Deynem suggested exploring the Carbon Trust website as a starting point. The Authority generally support the need of an Environmental Policy and in the longer term the CEO feels that the Authority can create an Environmental Management System.

43 DEE COCKLE FISHERIES OPTIONS (AGENDA ITEM 13)

CEO referred to the options paper which had been sent out to members before the meeting. CEO gave background information surrounding the cockle beds on the Dee Estuary which are managed by Natural Resources Wales (NRW) through a Regulating Order. The regulation is due to expire in June 2028. CEO shared the four proposed options and the strengths, weaknesses, opportunities, and threats for each option.

Discussions took place around Option 1 and the surveys which have been undertaken on the Dee cockle beds. Mr. Brown raised concerns around the safety of the Dee Estuary and the chance of the current Regulating Order expiring before a new order could be put into place. The CEO acknowledged that NRW is now a significant way behind in the decision-making process it had mapped out and they are keen to write the new regulation order now to avoid an air gap. However, avoiding an air gap looks unlikely due for the need for a public enquiry. Mr. Leigh thanked the CEO for a comprehensive report and offered his support for Option 2.

CEO lead discussions on Option 2. Cllr. Davies asked how levies were going to work with Option 2. CEO said the levy would remain, but any additional costs incurred with Option 2 could be funded by license fees and / or by DEFRA. However, this is not finalised and would require further exploration.

CEO gave more information on Options 3 and 4. Mr. Johnston enquired if there was an option to extend the current Regulation Order in the short term until a new order could be put in place. CEO said that this was something he would need to explore but there would need to be some adaptations. Discussion continued with regards to who would be the final decision maker.

The Chair summarised the four options.

Proposal: To Approve Option 2 With Preparation For Transition

Proposed: Mr. Brown, Seconded: Mr. Baxter, 8 in favour, 2 against, carried

44 ANY OTHER BUSINESS (AGENDA ITEM 15)

The Chair thanked members for their attendance and closed the meeting at 15:25.